

APPENDIX

TO THE HISTORY OF THE SIXTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

DANISH BRIG HENRICK.

[Communicated to Congress, December 28, 1819.]

*To the Senate and House of
Representatives of the United States:*

On the 23d of February, 1803, a Message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine Henrick and her cargo, belonging to citizens of Hamburg, recommending the claim to the favorable consideration of Congress. In February, 1805, it was again presented, by a Message from the President, to the consideration of Congress, but has not since been definitively acted upon.

The Minister resident* from Denmark and the Consul General from Hamburg having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit, herewith, copies of their communications for the further consideration of the Legislature, upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

WASHINGTON, Dec. 24, 1819.

*From the Consul General of Hamburg to the Secretary
of State.*

HAMBURG CONSULATE GENERAL,
Philadelphia, Nov. 9, 1819.

SIR: On behalf of several of the citizens of Hamburg, I have the honor to solicit your attention to the subject of their interests in the cargo of the Danish brigantine Henrick, Peter Scheelt, master, which was captured by a public armed vessel of the United States in the year 1799, with a request that you will be pleased to lay the case before the President of the United States, that, if he shall see proper, he may submit it to the consideration of Congress.

This vessel and cargo have been heretofore

within the view of the Executive of the United States, and have been the subject of a very favorable representation from the Department of State. It will not, therefore, be necessary that I should enter into a minute detail of the circumstances attending it, as the public records of the Government contain a full and faithful statement of them.

I deem it proper at this time, sir, to present the case before you in this summary way. The vessel in question was Danish property; the cargo on board belonged exclusively to citizens of Hamburg; and, of course, the whole was neutral in the then existing war. She sailed from Hamburg, bound to Cape François, on the 3d of October, 1799. She was taken by a French privateer, and on the 8th of the same month was recaptured by the American public vessel called the *Pickering*, and carried into St. Christopher's. At this British island the vessel and cargo were libelled for salvage; one-half of the gross amount of sales was decreed to the recaptors, and the other half, after deducting costs and expenses, to the owners. Of the value of the cargo, amounting to upwards of thirty-four thousand dollars, nearly the whole was lost, as appears by the documents heretofore exhibited on this subject to the Department of State.

In the past consideration of this affair, it seems to have been plainly conceded that it was the duty of the American commander to have brought the property recaptured under the authority of the United States within their jurisdiction, and that if this duty had been performed the vessel and cargo would have been released either altogether, or upon payment of the most moderate rate of salvage. By a different line of conduct from that which should have been pursued, the property was involved in a sentence proceeding from a palpable misconception and misapplication of a law of the United States, and its almost total loss was the consequence. The owners, thus heavily suffering from the conduct of the American commander of a public vessel, had no remedy for the injury they had sustained but an appeal to the justice of the American Government. This appeal was made

*The application of the Minister was verbal.

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on behalf of the whole interest, and its justice was in various departments of the Government distinctly recognised; but the redress suited to the case has never yet been afforded.

It is supposed that the conduct of the Danes towards American property may have had its effect upon the American Government in postponing its just purposes towards the owners of the property in question. But it is respectfully submitted that this consideration, if it has any existence, ought not to affect the interests of the owners of the cargo, who are citizens of Hamburg, and who now separately make their claim to retribution.

Most respectfully inviting your attention, sir, to the documents in the Department of State, in relation to the brigantine *Henrick* and cargo, and to several reports of committees of the House of Representatives in Congress on the subject of this claim, I do earnestly submit the claim of the owners of the cargo to your consideration, and request that it may be laid before the President of the United States, in order that a just recompense may be had for the heavy injuries which have been thus sustained.

Permit me, sir, to assure you of my particular regard and consideration, wherewith I have the honor to remain, sir, your most obedient servant,

C. N. BUCK,

Consul Gen. of Hamburg to the U. S.

Hon. JOHN Q. ADAMS,

Secretary of State.

[The following report on the same subject was made February 8, 1820.]

The Committee on Foreign Relations, to whom was referred the Message of the President of the 24th of December last, recommending to Congress the consideration of the case of the Danish brigantine *Henrick* and her cargo, respectfully report, that they have thought it right to present to the House that view of the circumstances of the case which is contained in the report made by Mr. Madison on the 22d of February, 1803:

"The Secretary of State has the honor to report to the President of the United States, upon the note of the Minister of His Danish Majesty, dated on the 9th instant, as follows:

"That it appears that the Danish brigantine *Henrick*, Captain Peter Scheelt, sailing from Hamburg, loaded with an assorted cargo, and bound to Cape François, was captured on the 3d of October, 1799, by a French privateer, and, on the 8th of the same month, she was recaptured by an American public armed vessel called the *Pickering*, and carried to the British island of St. Christopher, where she arrived on the 10th.

"That, from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of vice-admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one-half of the gross amount of the sales of the brig and her cargo to be paid to the recaptors, and the other half, after deducting costs and expenses, to be restored to the owners. That this rate of salvage appears to have been

adopted from the laws of the United States, as then applicable to recaptors of American property, and of such as belonged to belligerent Powers in amity with the United States; but it is believed that these laws had, according to decisions of our own courts, no reference to recaptures of neutral property. That admitting, what has received the sanction of some recent authorities, that, in certain peculiar cases of danger of a neutral being condemned by a belligerent, the recaptors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and, according to the assurance of Mr. Lindemann, the Governor of the Danish West India islands, most of the Danish vessels carried into Guadaloupe, for a year before this capture, were released, and some of them with damages. That the courts of the United States have, in cases much more strongly marked by circumstances indicating a danger of a neutral being condemned, allowed much smaller rates of salvage.

"That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers, in this case, to repel the attempt of the foreign judiciary to take cognizance, much less ought they to have directly submitted their recapture to its decision, which, as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

"That, according to the representation of the agent for the owners of the Danish vessel, of the sum of \$44,500, the value of the vessel, freight, and cargo, there remained, after satisfying the decree for salvage and expenses, no more than \$8,374 41.

"That, as the policy and interest of the United States lead them, in a special manner, to respect and promote the rights and facilities of neutral commerce; as the sentence in this case was permitted, if not procured, by officers of the United States, to be made in a foreign, and therefore improper tribunal; as there remains no doubt but that a court of the United States, pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the sentence; as the law of the United States was inapplicable to the case; and as it is understood that a remedy is now unattainable, in the ordinary judicial course, it is the opinion of the Secretary of State that, under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

"All which is respectfully submitted.

"JAMES MADISON.

"DEPARTMENT OF STATE, Feb. 22, 1803."

The examination of the subject by the committee has led them to an entirely different conclusion, as to the obligations of the United States, from that which seems to be intimated in the foregoing report. The laws of the United States required

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that the French vessels of which it authorized the capture should be brought into the ports of the United States for condemnation. They provided for the restoration of American property which might be recaptured from a French captor, upon a salvage to be determined either upon the mutual agreement of the parties, or by a decree of a court of the United States, and they do not seem to have provided at all for the case of the capture from the French of property belonging to a third nation. The proceedings in the court of vice admiralty in St. Christopher's, by which so large an allowance of salvage and costs was made as to absorb a very great proportion of the amount for which the vessel and cargo were sold, were submitted, in 1800, to three of the most distinguished lawyers of this country, who concluded, from the papers laid before them, that the sentence of the court was in consequence of proceedings exhibited on the part of the owners of the vessel and cargo, and not on the part of the recaptors. In this opinion, (which the committee have subjoined to their report,) it is suggested to be unadvisable for the Danish Consul to apply either to the Government of the United States for indemnity, or to institute any suit in the courts of justice here against the captors.

This claim of indemnity against the Government is, indeed, of an unusual character. It is alleged that a foreign court, in a case to which an American officer was a party, awarded an unjust sentence, and that the costs of this legal proceeding were excessive. The claimants have abstained from the natural remedy for correcting the errors of an inferior court, which the justice of civilized nations provides, by constituting tribunals of appeal. They abstain, too, in conformity with sound legal advice, from prosecuting any legal remedy in our own courts against the officers of whose misconduct they complain, and they choose to prefer their claims to indemnity against the Government which, as they say, did not authorize, and whose laws, indeed, according to their construction, forbade the proceeding.

This claim has several times been recommended to the attention of Congress by the Executive. Committees have made reports in its favor, and a bill to provide for it passed the House of Representatives, January, 1804, by a majority of one hundred and eight to fifteen members.

The committee recommend to the House the following resolution:

Resolved, That it is not expedient to make provision to indemnify the owners of the Danish brigantine Henrick and her cargo for the injury alleged to have resulted from the sentence of a British court of vice-admiralty in the island of St. Christopher.

A.

Copy of a paper filed in the Navy Department, purporting to be a copy of an opinion given by Edward Tilghman, William Lewis, and Peter S. Duponceau.

On the case of the Danish brig Henrick, taken by a French privateer from Guadaloupe, on her voyage from Hamburgh to Cape François, retaken by the United States brig Pickering, after being

more than ninety-six hours in the power of the French, carried into St. Christopher's, and there labelled by Peter Scheelt, master of the said Danish brig, on behalf of the owners, underwriters, and others concerned, in the court of vice-admiralty, who ordered the said brig Henrick and her cargo to be sold, and adjudged one moiety of the gross proceeds to the recaptors, for salvage; as far as we are able to judge from the papers laid before us, which do not contain the whole of the record, it appears to us that the sentence of the judge of admiralty was in consequence of proceedings exhibited on the part of the owners of, and others concerned in the vessel and cargo, and not on the part of the recaptors; which proceedings, it is reasonable to conclude, were for restitution. Under these circumstances, we do not think it advisable for the Danish Consul either to apply to the Government of the United States for indemnity or recompense for the great loss sustained, or to institute any process in the courts of justice here against the captain of the Pickering.

It must, we think, be left to the discretion of the owners, underwriters, and others who may happen to be interested, whether they will or will not prosecute an appeal to the courts in England.

EDWARD TILGHMAN,
WILLIAM LEWIS,
PETER S. DUPONCEAU.

FEBRUARY, 21, 1800.

B.

Copy of a letter from Commodore Tingey, the commander of the United States squadron in the West Indies at the time the Danish brig was recaptured.

NAVY YARD, WASHINGTON,
January 19, 1820.

SIR: In pursuance to your directions, I have endeavored to call to my remembrance as many of the facts as came to my knowledge relative to the recapture of the Danish brigantine Henrick from the French, by the United States brig Pickering, Captain Hiller, in the month of October, 1799, during the period of my having the command of our West India squadron. Captain Hiller, in the brig Pickering, pursuant to orders from the Secretary of the Navy, having joined my command, received my orders relative to what part of the station he should cruise in, so as to have the squadron distributed in such a manner as should be most effectual in protecting our defenceless commerce, and annoying the enemy; when, some time in the month of October above mentioned, Captain Hiller fell in with the above-mentioned brig Henrick, in possession of a prize-master and crew from a French privateer, by which she had been captured some short time before; he, of course, recaptured the Henrick, as it was his duty to do, and carried her to the port of Basseterre, in the island of St. Christopher, which was the general rendezvous of the squadron. At this time I was, as my duty strictly enjoined, cruising in the United States ship Ganges, for the purposes before mentioned. On my next meeting with the Pickering, some few days afterwards, Captain Hiller reported this recapture to me, merely as a part of his transactions,

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in his general report; but, in an interview with him on board my ship, (the *Ganges*,) I learned that an adjudication for the salvage (agreeably to the act of Congress) had been given at St. Christopher's, at the instance of the captain or agent of the *Henrick*, or of a compromise with said captain or agent—my memory, at this distant period, does not enable me to say which. Thus, the whole transaction had commenced and terminated without my having any view or knowledge thereof until it had passed.

From the celerity with which the business was conducted at St. Christopher's, I cannot entertain a doubt that the adjudication or compromise was effected with the assent, or, as more probable, at the instigation of the captain or agent for the *Henrick*; for Captain Hiller was too correct an officer (scrupulously so in regard to his duty) to have of himself commenced on any decisive measures against the recaptured vessel, until I should have arrived, (as commander-in-chief of the squadron,) to have decided on the most proper mode of procedure, in conformity with my instructions from our Government.

Had the captain or agent of the brig *Henrick* awaited my arrival at St. Christopher's, he could readily, on a proper representation of his case, have been conveyed to either of the Danish islands to leeward, as the time allotted for the cruise of the *Ganges* in those seas had expired; Commodore Morris, with the United States ship *Adams*, had already arrived to relieve me, and had brought my instructions from the Secretary of the Navy to return home; and it being my duty to touch at all the neutral ports in my way, to collect all our homeward-bound merchantmen, and take them under convoy, which duty I did perform; and, consequently, the *Henrick* could have been protected to either of the Danish islands, St. Croix or St. Thomas; from the latter of which I sailed with a large convoy a very few days afterwards; for, on the 10th of November, I was in the river Delaware, conformably with my instructions from the Secretary of the Navy.

I have the honor to be, very respectfully, &c.

THOMAS TINGEY.

The Hon. S. THOMPSON,
Secretary of the Navy.

GOVERNMENT OF ST. DOMINGO.

[Communicated from the Secretary of State to the House of Representatives, March 27, 1820.]

The Secretary of State, to whom, by a resolution of the House of Representatives of the 7th of February last, the petitions of Samuel G. Perkins and others, merchants of Massachusetts, and of William Patterson and others, merchants of Baltimore, were referred, has the honor of submitting to the House the following report:

In the month of January, 1817, in consequence of a memorial to the President of the United States from sundry persons interested in the claims set

forth in these petitions, Septimus Tyler was appointed an agent to proceed to the Island of St. Domingo, for the purpose of claiming the indemnity which appears to be justly due to the petitioners for property so unjustly taken from them. He accordingly proceeded thither, but was denied access to the Government of Christophe upon the alleged ground of informality in the style of his powers. Mr. Tyler did not live to return to the United States.

In the Spring of the year 1818, a second attempt was made to send an agent to make the demand, and authority was given to present himself in a manner which there was reason to expect would have discarded every question of form. The result, however, was a refusal again to receive him. A formal recognition of the kingdom of Hayti not being deemed expedient, no further measures have been found practicable on the part of the Executive in the case; those suggested by the memorialists being within the exclusive authority of the Legislature.

JOHN Q. ADAMS.

DEPARTMENT OF STATE,
Washington, March 20, 1820.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Samuel G. Perkins, Ezra Davis, Ebenezer Francis, Jonathan Low, Benj. Smith, and others, whose names are undersigned, merchants dwelling in the Commonwealth of Massachusetts, and citizens of the United States, respectfully represents:

That they and those whom they represent, and others, were, in the year of our Lord eighteen hundred and ten, engaged in a lawful commerce with the ports and places in the Island of St. Domingo under the dominion of Henry Christophe; that, during that year, they shipped a large amount of property to Cape Henry and Gonaives, in the expectation of procuring return cargoes of the produce of the island, but, owing to the scarcity of crops that season, it was impracticable to procure return cargoes immediately; and, by the then existing laws of that Government, they were prohibited from reshipping the cargoes they had landed there, or from bringing away specie; that some of the persons having the charge of the cargoes thus situated sold the same on a credit, to be paid for in produce at the opening of the ensuing season, and directly returned home with their vessels in ballast, while other persons thus situated preferred to wait for their cargoes; that, during this period of delay, Christophe, perceiving a large amount of American property within his grasp, and tempted by the prospect of great plunder, under pretence of having an unsatisfied claim against certain merchants in Baltimore, in the month of October of the same year, forcibly detained all the American vessels then in his ports, some of which had been brought in by his cruisers, and arrested their officers and crews, and held them thus under detention until the month of January following;

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and on the third day of the said month of January, passed a decree, (a copy whereof accompanies this petition, and which he immediately caused to be executed,) by which he seized and confiscated to his own use property belonging to your petitioners and other citizens of the United States, of the value, by his estimate, of one hundred and thirty-two thousand dollars and upwards—a decree so manifestly wicked and unjust, that even Christophe, while he endeavors to shelter himself under his supposed necessity, acknowledges it to be as much against sound policy and good faith in him as it is arbitrary and contrary to the laws of all civilized nations. And your petitioners further state that, after unavailing attempts to procure a restitution of their property, or of some part thereof, from Christophe, they applied to the President of the United States for redress, setting forth the injuries they had sustained, and the outrage committed upon the Government of the United States itself. That, during the late war, the application of your petitioners was but partly acted upon, amidst the multiplicity of great and important business which then occupied the attention of that high officer of the Government; but that, on the return of peace, the President of the United States, after investigation of the facts, and having satisfied himself of the justice of the claims of your petitioners, sent out to Cape Henry an agent, in the name of the United States of America, and in one of the vessels of war (the Congress frigate) belonging to the United States, to demand restitution in behalf of your petitioners, and other sufferers by the same outrage; which said agent failed to accomplish the object of his mission. That the President of the United States, not unmindful of the great injuries sustained by your petitioners, and of the outrage committed against the Government of the United States, but nevertheless desirous of preserving peaceable dispositions towards Christophe, sent out to Cape Henry another agent of the United States, once more to demand of Christophe to make compensation to the sufferers under his decree aforesaid. That said agent was unable to procure any satisfaction from the said Christophe, and returned conclusively to establish the fact that all demands upon Christophe to do justice to your injured petitioners will continue to prove unavailing, unless such demands are enforced by the strong arm of the Government. And your petitioners would further respectfully state that they have been credibly informed that the commanders of the ships of war of the United States, since their visits to Cape Henry, are clearly of opinion that a blockade of that port by a single frigate even, or a demand of restitution accompanied by a power to enforce such demand, would be attended with the success so much desired by your petitioners, and so much an object heretofore with the head of our Government. In considering this case, your petitioners would respectfully suggest that no questions of doubtful rights present themselves for discussion or compromise, nor do they perceive such points of policy or expediency to arise as will suffer the Government to acquiesce and submit to so great injuries committed upon

its faithful citizens. Relying on the energy of our Government and the wisdom of its councils, it cannot be necessary to urge the importance of protecting the rights and interests of every class of men in the community, and especially in times like the present, against every outrage committed by any Power, civilized, piratical, or barbarous; and your petitioners, submitting the remedy for their wrongs, and the mode in which it is to be pursued, to your wisdom, humbly request your aid, and, as in duty bound, will ever pray.

SAML G. PERKINS, *and others.*

By their attorney, HENRY RICE.

CLAIMS AGAINST RUSSIA.

[Communicated to the Senate, April 18, 1820.]

DEPARTMENT OF STATE, April 17, 1820.

The Secretary of State, to whom, by a resolution of the Senate of the 13th instant, was referred the petition of Eliphalet Loud, and others, to consider and report thereon, has the honor of reporting:

That the facts relative to the representations made on the part of this Government to that of Russia, by the petitioners, are correctly stated by them; and that, since the 7th day of July, 1818, the latest date mentioned by them, another memorial has been addressed by the Minister of the United States at St. Petersburg to the Minister of Foreign Affairs, a copy of which is herewith submitted. It does not appear, by any of the despatches from Mr. Campbell since received, that any answer to this memorial has been returned.

JOHN Q. ADAMS.

Mr. Campbell, Envoy Extraordinary and Minister Plenipotentiary from the United States to Russia, to Count Nesselrode, Minister of Foreign Affairs at St. Petersburg.

ST. PETERSBURG, June 6, 1819.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to inform his excellency Count de Nesselrode, Secretary of State, that he has it in special charge from his Government to invite the attention of the Government of His Imperial Majesty to two cases of individual claims thereon by citizens of the United States, of long standing.

Of these, one is that of the brigantine Hector, belonging to Israel Thorndike, of Boston, commanded by Captain Luke Thorndike, which was captured by His Imperial Majesty's frigate Venus, carried to the island of Tenedos, and there condemned with her cargo as lawful prize, in June, 1807, by sentence of a committee of prizes assembled on board His Imperial Majesty's ship of war the Iverday; the other, that of the ship Commerce, belonging to the Weymouth Importing Company, in the State of Massachusetts, commanded by Captain Joseph Penel, which was taken by a privateer under the flag of this Empire, carried into Corfu, and there condemned, with her cargo, as

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lawful prize, in —, 1807, by a decree of the committee of prizes of that island.

These vessels, with their cargoes, belonging to citizens of the United States of high respectability, who were not only conscious of the purity of their own motives in the instructions given respecting their voyages, but also convinced, from the most satisfactory evidence, that in conducting those voyages no violation whatever of the laws and usages of nations had been committed, they applied to their Government, soliciting its aid in making their cases known to that of His Imperial Majesty; feeling entire confidence, that to procure the reversal of those condemnatory decrees, and obtain that restitution to which they conceive themselves entitled, it was only necessary to have the circumstances under which those captures and condemnations took place, so laid before the view of His Imperial Majesty that the merits and justice of their claims might fairly appear. For this purpose, full statements of those cases were laid before the Imperial Government in October, 1809, by Mr. Levett Harris, then Consul General of the United States at St. Petersburg, with ample testimony to prove, it is conceived, the injustice and irregularity of the captures, as well as of the condemnations consequent thereon; and, at the same time, a due claim for indemnity was made in behalf of the respective claimants for the heavy losses they had sustained.

On reviewing these statements, and the evidence accompanying the same, they appear so ample, and to support so conclusively the justice of those claims, that the undersigned forbears entering into new details on the subject, and satisfies himself, for the present, by referring his excellency the Secretary of State to those documents already in possession of the Imperial Government.

He would not, however, fulfil his duty conformably to the instructions of his Government, if he did not bring to the recollection of his excellency on this occasion the length of time that has elapsed since the appeals in those cases were brought before the Imperial Government, being nearly ten years, during which the repeated applications in favor of the claims, in the name of their Government, have been allowed to remain unanswered, and without procuring for them either that indemnity to which they conceive themselves so justly entitled, or a knowledge of the grounds upon which it has hitherto been considered proper to withhold it; and he is satisfied his excellency will duly appreciate the motives by which he is actuated in urging the revision and final determination of those cases with that zeal and earnestness which their obvious justice, as well as the hardships necessarily resulting from privations so long continued, appear to him imperiously to demand.

With the expression of the high and perfect confidence reposed in the justice, equity, and impartiality of the decisions the tribunals of his Imperial Majesty in the last resort shall pronounce, the undersigned has the honor to renew to his excellency the Secretary of State the assurance of his high and very distinguished consideration.

G. W. CAMPBELL.

SWEDEN—INDEMNITY.

[Communicated to the Senate, April 21, 1820.]

To the Senate of the United States :

I lay before the Senate, in pursuance of their resolution of the 21st of last month, the accompanying report and documents from the Department of State.

JAMES MONROE.

WASHINGTON, April 28, 1820.

DEPARTMENT OF STATE, *April 17, 1820.*

The Secretary of State, to whom a resolution of the Senate of the 25th of March has been referred, requesting the President to lay before that House copies of the correspondence between the Ministers or other agents of the United States, and the Ministers or Government of Sweden, relative to the seizures, sequestration, or confiscation of the ships or other property of citizens of the United States, under the authority of Sweden, has the honor respectfully to submit to the President the copies of the papers desired by that resolution.

JOHN Q. ADAMS.

Mr. Russell to Count d'Engestrom, Minister of Foreign Affairs at Stockholm.

STOCKHOLM, *Sept. 3, 1816.*

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his indispensable duty to call the serious attention of his excellency to the claims of American citizens for indemnity for their property sequestered, confiscated, and sold at Stralsund, a few years since, by the order, and for the account of the Swedish Government.

It is believed that to present, without comment, a simple statement of the facts belonging to this transaction, such as they appear to have been from the documents left by Mr. Speyer with the American legation, will be quite sufficient to manifest the indubitable justice of these claims, and to prevail on His Swedish Majesty's Government to provide for their immediate liquidation.

The Swedish Government represented itself to have been compelled by the French Government to sequester, in the month of June, 1810, the American property at Stralsund; and afterwards repeatedly expressed its solicitude to obtain the termination of that sequestration, for the avowed purpose of restoring the property which it affected to the rightful owners.

The sequestration was, in fact, raised with the consent of the French Government, about the beginning of August, 1811, and the property to which it attached placed at the sole disposition of His Swedish Majesty.

Immediately after it thus came within His Majesty's exclusive control, it was, notwithstanding all the assurances previously given, and the rights

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of the American owners, confiscated and sold by the order, and for the sole account of the Swedish Government.

Since that time until the present day no indemnity whatever, although frequently promised, has ever been made by the Swedish Government to the injured citizens of the United States.

Such, according to the archives of the American legation, appear to be the simple facts belonging to this transaction, and with regard to the nature and consequences of which it is believed there can exist no diversity of opinion. These facts alone would have been amply sufficient to have secured the success of the American claims, had not the justice of these claims been already repeatedly acknowledged by the Swedish Government itself.

During the original sequestration by the Swedish Government, at the instance, as is stated, of that of France, the Baron de Wetterstedt, who was then charged with the affairs of Pomerania, assured Mr. Speyer that the participation of Sweden in that proceeding was for the purpose of protection, and not of confiscation; that more than thirty despatches had been transmitted to Paris in order to obtain the release of the sequestered property, or the permission to sell that property, either on Swedish account, or the joint account of Sweden and France; assuring Mr. Speyer, at the same time, that, in case such release or permission were obtained, a just proportion of the property, or its proceeds, should be restored to the rightful American owners.

Even after the confiscation and sale of the property, the Swedish Government, on its part, never urged any right in justification of the proceeding, nor even the pretext of foreign coercion for its palliation. The only question which appears to have been agitated at that time related not to the justice, but to the practicability of the indemnification. There was no controversy as to the principle; and even a proposition to give it effect, by the delivery of iron cannon, was suggested by the Baron de Wetterstedt.

The doctrine that the property of the citizens of a friendly State, lawfully imported into an ultramarine province of Sweden, was not entitled to the same protection from the Swedish Government as when imported into Sweden itself, (which, it seems, his excellency the Count d'Engestrom once permitted himself to intimate,) it is not necessary here to examine. The question now presented is not whether the Swedish Government was bound, in good faith, to protect the American property at Stralsund against the violence and injuries of foreign nations, but whether it was not bound to refrain, itself, from voluntarily confiscating that property, and converting it to its own use, without the form of a trial, or even the pretext of foreign compulsion.

The note which his excellency the Count d'Engestrom addressed to Mr. Speyer, on the 22d of May, 1813, and which appears to be the last communication made on the subject, states that the sequestration took place upon the demand of

the French Government, and in conformity to the Treaty of Paris; but his excellency does not pretend that the final confiscation of this property, and the appropriation of its proceeds, were at the dictation or for the benefit of that Government. Such a pretext, indeed, would have been inconsistent with the previous declaration of his excellency himself; for, on the 12th of August, 1811, he informed Mr. Speyer, as appears from Mr. Speyer's note to his excellency of the 14th of that month, that "the sequestered property at Stralsund was then at the sole disposal of His Swedish Majesty." It is not of the original act of sequestration, whatever might have been its origin, or however unjust and injurious its operation, that the undersigned now specially complains; but it is for the final and voluntary confiscation and sale of the property by the Government of Sweden, for its own account, that he is instructed to demand an indemnity. In the note above referred to, his excellency does not even insinuate a doubt of the justice of such a demand; but, on the contrary, he implicitly admits it when he states that his Swedish Majesty had hoped to have been able to indemnify the American citizens from the revenues of his German provinces. In thus speaking of indemnity, the relative injury is certainly acknowledged; why the funds for this indemnity should have been exclusively sought for in the revenues of the German provinces, it is difficult to determine. The American citizens, who trusted their property in a port of Swedish Pomerania, had a full reliance not on the local authorities and resources only, but on the universal good faith and entire power of the Swedish Government for justice and protection. The impossibility, therefore, which his excellency suggests, on account of the then recent invasion of Pomerania by the French, to accord any indemnity whatever, appears to have been founded on a supposition erroneous and inadmissible. It still proves, however, that, even at that time, it was the ability and not the obligation to accord the indemnity which was wanting in the view of the Swedish Government.

What inference his excellency wished should be drawn from the fact which he stated, that even Swedish subjects had suffered, without indemnity, a participation in the evils of the act of sequestration, has not been discovered. It is not believed that his excellency intended to say that the sovereign of a country has the right to treat alien friends, who are transitorily within his jurisdiction, for the purpose of trade, in the same manner he might think proper to treat his own subjects—to levy on them the same taxes, and to subject them to the same requisitions. Were such a doctrine to prevail, there would be an end to all international commerce. Whatever the sovereign of a State may deem fit to do, within his own jurisdiction, in relation to those who are within his allegiance, cannot, indeed, be found to be wrong by any other Government; but there certainly cannot be deduced from this principle a right to extend oppressive measures to the citizens of other independent States, nor can these citizens be supposed to find any alleviation of their sufferings in

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the mere knowledge of the fact that they do not suffer alone.

If, contrary to all reason and usage, it could be admitted that the revenues and resources of Pomerania were alone to be regarded as responsible to the American claimants for the property there confiscated by Sweden, and the invasion by the French destroyed, at that time, those means of making indemnity, yet that invasion was of brief duration, and that province has since become an ample source of wealth and empire to the Swedish Government, in having not only furnished an equivalent at the Treaty of Kiel for the acquisition of Norway, but, subsequently, a sufficient consideration for three millions and a half of dollars received from Prussia. It is, indeed, to be regretted that, while the Government of Sweden applied much of these funds to objects in no way connected with Pomerania, it should have totally neglected all satisfaction of the American claims, which it had before affected to consider as the special debt of that province.

The circumstance that the duties had been paid on the merchandise previous to its confiscation, and never returned, not only proves the lawfulness of the importation, but singularly aggravates the injury inflicted on the American proprietors.

From this view of the subject, it is believed that His Swedish Majesty's Government will no longer hesitate to afford that indemnity which the admitted justice of the case demands, and which the Government of the United States confidently expects from the known integrity and good faith of His Majesty. The inability of the Swedish Government, at any moment, to provide this indemnity, cannot be admitted; and, after its recent success and aggrandizement, it would be offensive to suggest the possibility of such a pretext being again urged on its part.

The value of the property, at the current price, when it was first sequestered, and which would furnish the just rule to measure the indemnity, is not precisely known to the undersigned. It was, however, considerably greater than that at which this property was afterwards either estimated or sold.

This property was estimated, when it came to the free disposal of the Swedish Government, at one hundred and ninety-two thousand rix dollars, Pomeranian currency; and was actually sold to a single merchant for one hundred and fifty-one thousand dollars of the same money.

According to an estimate communicated by Mr. Speyer to the Baron de Wetterstedt on the 5th of October, 1811, the first cost of the property in the United States was one hundred and ten thousand Spanish dollars.

In whatever way, therefore, this property be valued, the amount is too small to embarrass the Swedish Government for an instant in providing the requisite funds for the indemnification of the American claimants. Small, however, as this amount may be, and little as it is calculated to justify a refusal of indemnity under the pretext of inability, it has unfortunately been found sufficient seriously to injure the American owners, and to reduce some of them to insolvency and ruin.

The undersigned believes it unnecessary to say more; and he confidently trusts that what he has said will not have been in vain. He trusts that, while the relations of the two countries are placed on so liberal a basis with respect to the future, the prospect they open may not be overshadowed by any disagreeable recollection of the past, which might perplex either party with doubts of the justice and good faith of the other.

The undersigned prays his excellency the Count d'Engestrom to accept the assurances of his highest consideration.

JONATHAN RUSSELL.

The Count d'Engestrom to Mr. Russell.

STOCKHOLM, Sept. 6, 1816.

The undersigned, Minister of State and of Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him by Mr. Russell, Minister Plenipotentiary of the United States, claiming an indemnity for certain property sequestered, confiscated, and sold some years back at Stralsund, by order and for the account of the Swedish Government.

Before giving a positive answer to that note, the undersigned considers it indispensably necessary to apply to the former Department of the Affairs of Pomerania for the required information on the subject in question. He will not fail, on receiving it, to lay the affair before the King, and to communicate immediately His Majesty's answer to the Government of the United States, either through Mr. De Kantzow, or by addressing it directly to Mr. Russell.

The undersigned seizes this occasion to renew to Mr. Russell the assurances of his most distinguished consideration.

COUNT D'ENGESTROM.

Mr. Russell to the Secretary of State.

STOCKHOLM, Oct. 16, 1818.

SIR: Before making any further communication in relation to the Stralsund claims, I believed it to be proper to prepare the Swedish Minister for its reception. I availed myself accordingly for this purpose of the interview which I obtained on the 3d instant.

Count d'Engestrom, as usual, approached the subject with much repugnance, and was evidently embarrassed in finding an apology for his extraordinary silence in relation to it. He did remind me, indeed, that the business was not originally of his department, but appeared to be aware that this circumstance could no longer account for his perseverance in avoiding all discussion. He therefore abandoned this ground, confessed himself in fault, and assured me of his prompt attention to any communication which I might now think expedient to make on the subject. With regard to the merits of the claims, he observed that the Swedish Government had much to say in its defence, but he acknowledged that he found great difficulty in getting over a sort of promise that had been given to accord an indemnity.

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In reflecting on this conversation, I conceived it might be useful still to make one effort more, before I took leave of the subject, by communicating the declaration which you had prescribed to me in your last instructions. The expressions of the King, at the time I presented my credentials, were, as I have already informed you, more precise against the justice of the claims than any I had before heard from him; and I had reason to believe that Count d'Engestrom had been instructed to take, in the conversation which I have mentioned above, that ground. To prevent, if possible, such a course, I believed it might be useful to anticipate the contemplated movement, and to interpret the silence in respect to our claims into a recognition of their justice, and to profit of the confession of Count d'Engestrom, "that there had been a sort of promise of indemnity." In this view, a strong and rather spirited note appeared to me alone calculated to have the desired effect. I therefore, on the 5th instant, presented to the Count d'Engestrom a note, of which the enclosed (A) is a copy.

I did not hear any thing in reply from the Count until the 13th instant, when I received from him a note inviting me to repair to the Foreign Office on the day following.

When I waited on him, on the 14th, agreeably to his appointment, he began the conversation by observing that he had not yet been able to obtain a definitive decision on my propositions relative to commerce, although he was in daily expectation of being authorized to communicate to me such a decision. He then stated that he had been commanded to invite me to dine with the King the next day, as His Majesty desired to converse with me concerning the Stralsund claims; but he added, with evident embarrassment and much hesitation, "I dare not present your note to His Majesty, and I hope you do not wish to quarrel with us." I could not but be surprised at his alarm, and I assured him that if my note had been well translated he could have found nothing in it of a hostile character; on the contrary, it had been dictated by the most unqualified confidence in the justice and friendship of his sovereign. He rejoined, that it had caused him great affliction, and he hoped that I would not insist on his communicating that note to the King, as it would be the most disagreeable act that he had ever performed during the long period that he had been in office. He entreated me to allow him to return it, and to consent to address to him another, which should simply remind him of my previous communications, which, he remarked, had been quite strong enough, and he engaged that such a note should have a full and early answer. I replied that, as the note already delivered appeared entirely fitted to the occasion, I could not consent to withdraw it, nor abandon the ground that had been taken. If he found, contrary to what had been intended or expected, any thing harsh in that note, still it might be well for him to retain it, as a memorial of the feelings that had been excited by the conduct of the Swedish Government. Willing, however, to place him at his ease, I consented to write another note, in the manner he had requested. He ac-

ceded to these proposals, and agreed to keep the note which had occasioned so much inquietude. On my part I addressed to him, on the same day, another note, of which the enclosed (B) is a copy.

It has appeared necessary to trouble you with these details, in order to explain to you the successive delivery of two notes, so different in character, in so short an interval of time.

My views in writing the first, and the circumstances under which the second was delivered, have been already stated; but I cannot forbear to acquaint you with the real reasons for my proceedings in relation to the latter.

It was not from any deference to the sensibilities of Count d'Engestrom, or to those of the King, (however reluctant I might be unnecessarily to wound them,) that induced me to acquiesce in the wishes which the Minister had expressed to be saved from the painful necessity of acting on my note of the 5th instant. Notwithstanding his declarations, I was fully persuaded that the contents of that note had actually been communicated to the King. This persuasion was induced, not only by the time which had elapsed (a period of seven days) between the receipt of that note by Count d'Engestrom, and his discovery that he dared not deliver it to the King, but by the invitation for me to dine with the King the next day, in order to converse concerning these claims; for this invitation must have resulted from a knowledge of that note. From this fact I was reluctantly obliged to infer that my note had failed in its main object, that of obtaining indemnity without further discussion. I was now reduced to the alternative of either delivering a new note, and listening to a tardy attempt at justification, or of running the risk, by pressing that already delivered, of furnishing a pretext for an abrupt termination of all discussion, and perhaps for a categorical rejection of the claims. The interest of the claimants appeared to recommend the former course, and I accordingly adopted it. And this I did the more willingly as the stimulus already given had produced all the excitement of a favorable tendency that could be expected from it, and it seemed prudent to administer a palliative, in order to prevent consequences more violent than had originally been contemplated.

Agreeably to the invitation above mentioned, I dined yesterday with the King at his country palace of Rosendala. Immediately after dinner, he desired me and Count d'Engestrom to accompany him into his private apartments. He there at once introduced the subject of the claims, and expressed a regret that all the circumstances connected with that transaction had not hitherto been communicated to the American Government. He observed that these circumstances, he believed, would palliate, if not justify, the conduct of Sweden in that transaction, and that they should be immediately addressed to me. He then gave directions to Count d'Engestrom, in conformity with this declaration, and, in doing so, he alluded to an order of the French Government, designating the objects to which the proceeds of the American property were to be applied. He added

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that he was still disposed to do all he could for the relief of the American sufferers; but that, as he had nothing excepting military stores at his disposal for that object, he could furnish this relief in articles of that description only. I simply replied that we could not have expected that new facts would have been brought forward at this late day, after the earnest manner in which we had so long urged these claims; and that I could hardly believe—I might say hope—that these facts were of a nature to justify the Swedish Government, and exempt it from all responsibility. I was, however, entirely disposed to give to these facts, whatever they might be, a candid consideration.

I am now waiting, with much solicitude, for the communication which has been promised, and, until it be received, I must refrain from giving an opinion in relation to the final issue of this business.

After what I have written above, I ought to add, that the manner of the King, always gracious, was peculiarly so on this occasion; and, so far from his betraying any signs of displeasure at any thing I had done, he was unusually prodigal of his professions of friendship for the American Government and people, and of his attentions to their Minister. There were several other topics introduced into this conversation, which, as they have no relation to the subject of this letter, I shall reserve for another communication.

I have the honor to be, &c.,

JONATHAN RUSSELL.

A.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, Oct. 5, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that it is not without surprise and pain that the American Government has learned that all the representations which have hitherto been made to the Government of Sweden concerning its voluntary seizure and sale of the bona fide property of citizens of the United States, at Stralsund, in 1811, have not only remained without effect in obtaining a just indemnity, but have not even been noticed with the common courtesy of an answer.

Reluctantly, indeed, would the Government of the United States be persuaded that this ungracious silence was intended to add indignity to injustice. The character of both Governments forbids such a construction; for it is believed that they are both equally incapable of offering or suffering an injury of this description.

It is now more than two years since the undersigned had the honor to present to his excellency, on the 3d of September, 1816, the facts on which the American claims are founded. If the interference of a private agent of the American claimants furnished good cause for suspending all communication between the two Governments on the subject, yet, when that interference had terminated

without effect, (and it did so terminate more than a year since, as appears by a letter of that agent to the Baron de Wetterstedt, of the 3d of October, 1817,) the fitness of such communication between the two Governments was necessarily restored. It was in this conviction that the undersigned addressed a note to his excellency on the 16th of February last, referring to that above mentioned, of the 3d of September, 1816, and again urging an early attention to the American claims. It was not until the 27th of April that the undersigned was favored with even an acknowledgment of the bare receipt of this note of the preceding February, and since that time he has not heard further from his excellency in respect to these claims. The only inference consistent with the friendly and honorable feelings of both Governments, which it is now permitted to draw from this persevering though tacit refusal on the part of the Swedish Government to enter into all discussion of the merits of the question, is, that the evident and frequently acknowledged justice of the claims has not only left little room for such a discussion, but has, added to the repeated declarations and overtures of the Swedish Government, prevented, with that Government, to recognise the obligation of *more than an implied* promise to accord satisfactory indemnity. It is, therefore, from a confidence in the good faith as well as in the justice of His Swedish Majesty's Government that such an inference is drawn, and that the undersigned feels not only authorized, but rejoiced to be able, under the instructions which he has just received, to abstain from entering further at this time into a disagreeable discussion of right, and to confine himself to desiring his excellency to state, with precision, the utmost amount which His Majesty may, in his generosity and commiseration of the individuals immediately concerned, as well as in his regard for equity, and his consideration and friendship for the Government of the United States, be willing to accord for the relief and indemnity of the sufferers, and the mode in which it may be proposed to furnish that amount.

The undersigned takes leave to remind his excellency that to the value of the merchandise should be added the amount of the duties which were paid by the proprietors, and the accumulated interest of more than seven years, in order to constitute an adequate indemnity.

The pure and lofty principles which the American Government never ceases to cherish and to practise in its intercourse with all nations, and the confident expectation which it entertains that the monarch who has been elevated to the throne by his virtues will be distinguished for the moral dignity of his reign, forbid all distrust or apprehension that the request which the undersigned has now stated to his excellency will not be answered by a prompt and satisfactory compliance.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

COUNT D'ENGESTROM.

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B.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, October 14, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his duty to call the attention of the Swedish Government once more to the claims of American citizens for indemnity for their property sequestered at Stralsund, in the year 1810, and there sold the year following, by the order and for the sole account of His Swedish Majesty's Government.

From a confidence in the justice and liberality of his Majesty, the undersigned forbears at this time from acting on his instructions in their full spirit and extent, and confines himself to requesting His Excellency to cause this matter to be taken into immediate consideration, and to obtain thereon an early and equitable decision.

The undersigned trusts that the representations which he has already made on this subject, particularly in his note of the 3d of September, 1816, hitherto unanswered, render it now unnecessary for him to enter into a further discussion.

The undersigned seizes this occasion to renew to his excellency the assurance of his highest consideration.

JONA. RUSSELL.

Mr. Russell to Mr. Adams.

FLORENCE, February 22, 1819.

SIR: I have the the honor to transmit to you, enclosed, a note received at Berlin, from the Count d'Engestrom, in reply to that which I had addressed to him, on the 14th of October last, in relation to the Stralsund claims. This reply was not only unsatisfactory, but it was entirely at variance with the spirit of the verbal assurances which had been made to me. To have left it without a comment would, I believe, have given it a weight to which it was not entitled, and might have been construed into an admission, on my part, that the facts and arguments which it contained were incontrovertible and unanswerable. To prevent such a construction, and to fulfil your last instructions, which I had hitherto deferred communicating, in hopes that an equitable decision of the Swedish Government might have rendered my so doing unnecessary, I addressed to Count d'Engestrom, from Vienna, a note, of which you will also find a copy enclosed. I hope that the reasons here stated, and the peculiarity of my situation, may rescue the course which I have pursued from censure.

To avoid repetition, I referred the Swedish Minister generally to my note of the 6th of September, 1816. In that note he will find that he himself informed Mr. Speyer that the American merchandise was, on the 12th of August, 1811, at the sole disposition of the Swedish Government.

This is the first opportunity that I have had of communicating with the United States since I left Vienna, which, I trust, will satisfactorily account

for my not having sooner transmitted to you the enclosed papers. I have the honor to be, &c.

JONA. RUSSELL.

Count d'Engestrom to Mr. Russell.

STOCKHOLM, October 27, 1818.

The undersigned, Minister of State and of Foreign Affairs, has laid before the King his august sovereign, the note which Mr. Russell, Minister Plenipotentiary of the United States of America, did him the honor to address to him, for the purpose of renewing his claim in behalf of certain citizens of the United States, of indemnity for losses sustained by them in Swedish Pomerania, by the confiscation of certain vessels and cargoes, their property.

The undersigned thinks it unnecessary to recapitulate the details of an affair, all the material circumstances of which are already known to Mr. Russell. It occurred at an unfortunate period, when a despotic sway, embracing all parts of the globe, exercised its disastrous influence alike on friends and foes; and when France, the ally of America, was equally regardless of her interest as those of other Powers.

It is an undisputed fact that the American vessels in question entered the ports of Pomerania whilst that province was still under the dominion of Sweden; but scarcely was the French Government informed of it, when it gave orders to its agent in Pomerania to demand the seizure and confiscation of these vessels to the benefit of France; alleging, in justification of this violent pretension, the system called *continental*, under which France then cloaked her projects of progressive encroachment, menacing all Europe, but which had, notwithstanding, been admitted by it, and was acceded to by all the European Powers at peace with the French Empire. The imposing force at that time kept up by France in those countries left no alternative to the Swedish Government, which was reluctantly compelled to acquiesce in her demands. The steps then taken by Sweden with the French Government, to obtain a transfer to her of the property thus confiscated, were prompted by a desire to restore it to the lawful owners; but they proved ineffectual, France having agreed to the transfer on certain conditions only, expressly stipulating that the proceeds of these cargoes should be immediately employed in placing Pomerania in a state of defence against the English naval force, which then threatened all the shores of the Baltic.

To this object, wholly foreign to the particular interests of Sweden, they were applied; and the Swedish Government was thereby disappointed in its hopes of procuring the restitution to the American citizens, the original owners of the ships and cargoes now under consideration. But, as an incontestable proof of its sincere desire to alleviate their losses as far as depended on it, an inquiry was instituted in concert with Mr. Eckie, agent for the claimants; and the proposals then made to him for the attainment of the object just alluded to, with his rejection of them, are well known to Mr. Russell.

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It was cause of regret to the Swedish Government that the course suggested by it was not adopted, as it seemed to be the only one adapted to meet the views of Mr. Eckie. His Majesty feels assured, however, of the disposition of the United States to do justice to the desire manifested by His Majesty on this, as on every other occasion, of doing every thing possible to evince his high esteem for a Power with which it is his constant wish to maintain the most amicable relations.

In pursuance of these sentiments, the undersigned has received the King's commands to renew to Mr. Russell the assurance, which His Majesty has already given to him in person, of the satisfaction with which he would discover any practicable mode of alleviating the losses sustained by the American citizens alluded to, through the confiscation of their property in Pomerania in 1811. His Majesty has a particular satisfaction in recollecting that, about the same period, the Swedish Government restored to the citizens of the United States thirty-three vessels, with valuable cargoes, then under detention in Sweden, in consequence of a formal requisition of the mission of France at Stockholm. His Majesty availed himself, on that occasion, of the force under the control of his Government in Sweden; but he saw, with deep concern, the impossibility of taking corresponding measures in his Pomeranian territories, they being, besides, as well in virtue of their particular compacts with France, as by the presence of the French armies, completely under the influence of the continental system, to which Prussia, Denmark, and the other Governments on the shores of the Baltic, had declared their adherence.

The undersigned, in conformity to these orders of the King, his august sovereign, avails himself, with pleasure, of this occasion to renew to Mr. Russell the assurance of his high consideration.

COUNT D'ENGESTROM.

Mr. Russell to the Count d'Engestrom.

VIENNA, December 12, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note which his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, addressed to him at Berlin, under date of the 27th October last. His excellency will not be surprised to learn that the undersigned has been able to discover nothing in that note calculated to discharge the Swedish Government from its obligation of providing an adequate indemnity to the citizens of the United States for the confiscation of their merchandise, in 1811, at Stralsund, then under the dominion of Sweden.

The undersigned had confidently expected, from the conversations with which he had so recently been honored by His Majesty the King, and by his excellency the Count d'Engestrom, that, whatever objections might have been entertained to the justice of the American claims, they would, in this tardy communication, have been distinctly and definitely stated, and supported by documents of an authentic and unimpeachable character. His

Majesty, at the very last interview which he accorded to the undersigned, and at which his excellency was present, expressly called the attention of his excellency to a particular note of the French Minister, which he intimated to be in point, and which he offered to furnish to his excellency, if not already in his department, for the avowed purpose of being communicated to the undersigned. But even that note has not been so communicated, nor does the despatch of his excellency contain the most remote allusion to it. From a silence so extraordinary, the undersigned is compelled to infer that the note of the French Minister was found, on examination, not to be of a nature to justify or to palliate the proceedings of the Swedish Government. It was not without extreme disappointment and regret, after having thus been encouraged to expect an explanation, at least precise, if not satisfactory, that he finds himself referred by his excellency, in a most vague and general manner, for a vindication of the conduct of that Government, exclusively to the coercive measures of France under the system commonly denominated continental, without the faintest intimation of any specific provision of that system which could apply to this case, or the slightest proof of its actual application. The undersigned feels not the smallest hesitation in declaring his entire conviction that there was no such provision and no such application. It is in vain that he has sought in the imperial decree promulgated at Berlin, Milan, Rambouillet, or elsewhere, on which that system was founded, for the discovery of such a provision; and it is not permitted him to presume that any Government, however subservient at the time to the views of the French monarch, could have gratuitously consented to extend the evils of those arbitrary mandates by a constructive application; and still less is it to be presumed that a pretext, from interested motives, could have been sought in that unrighteous system to mask the violence, or to sanction the injustice, which it did not most explicitly and imperiously impose. The demand which his excellency states to have been made by the agent of the French Government in Pomerania for the seizure and confiscation, under the continental system, of the American merchandise for the account of France, must have been too degrading and unjust to have obtained an unqualified compliance on the part of Sweden; and that it did not obtain such a compliance is incontrovertible, from the notorious fact that this merchandise, although seized by the Swedish authorities on the 10th of June, 1810, was not confiscated, but held in a state of sequestration only, until the French Minister at Stockholm, by his note of the 12th of July, 1811, announced the consent of his sovereign to the termination of that sequestration, on the sole condition that the colonial produce which it affected should not be introduced into France, or into the States of the Confederation of the Rhine. The extraordinary demand of the French agent in Pomerania, founded, as his excellency states, on the continental system, produced, therefore, a temporary sequester only, and furnished no pretext for the subsequent

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and final confiscation of the merchandise to which it applied, and no extenuation of its injustice. The undersigned is not disposed now to deny that a demand of this kind was made, as the note of the French Minister just mentioned implies the previous participation of France in the act of sequestration; yet, that demand having never been communicated to the American Government in the shape in which it was preferred, as courtesy, if not right, appeared to require, it may be permitted to entertain some doubt in respect to its precise import and extent, particularly as it was allowed to have but a partial and transitory effect. It necessarily follows, from the facts which the undersigned has now had the honor to present, that the continental system, or any demand of the French agent in Pomerania, whatever influence they might unduly have had in causing the original seizure, could have had none in producing the final sale of the merchandise, and the appropriation of its proceeds by the Government of Sweden.

The undersigned is far from being disposed to vindicate the continental system, or the acquiescence of any nation in its iniquitous requisitions; but his excellency appears to have formed an erroneous estimate of the extent of both. None of the nations whose dominions border on the Baltic ever committed, in relation to the United States, nor, it is believed, in relation to other friendly nations, any act similar to that for which the undersigned has been instructed to ask indemnity from Sweden. Of the conduct of Russia and Prussia during the continental system, the United States have no cause to complain; and if Denmark imposed a sequestration, towards the close of the year 1809, on American vessels and their cargoes in her ports, that sequestration continued for a few months only, and the American property subjected to it was restored, without exception, to the lawful owners. If the United States have now claims on Denmark, it is for the lawless depredations of her privateers, and the unjust decision of her tribunals, and not for the confiscation, without the form of a trial, of property acknowledged to be American, and fairly and regularly entered at her custom-houses. Of all the nations bordering on the Baltic, it was left for Sweden alone to receive duties, and summarily and peremptorily to confiscate the merchandise, without suggesting a doubt of its origin or ownership. Such are the facts; and they save the undersigned from the necessity of protesting against the doctrine that the violence or injustice of one Government can be drawn into precedent, and cited as authority to sanction the wrongs of another.

Waiving at this time all further consideration of the original act of sequestration at Stralsund in 1810, whatever might have been its source, or the injuries which it inflicted on the unoffending and confiding citizens of the United States, the undersigned cannot refrain from repeating distinctly to his excellency the facts on which the American Government founds its claims for indemnity for the ultimate sale and appropriation of the sequestered property by the Government of Sweden.

The note above mentioned of the Baron Alquier, the French Minister at Stockholm, of the 12th of July, 1811, left that property at the free disposal of the Swedish Government, on the sole condition already stated; and that Government, instead of availing itself of the liberty thus accorded to terminate the sequester, and to restore the property to the American owners, profited by the accidental possession acquired by the sequester to sell that property on its own account.

The Swedish Government, forgetting its previous assurances, and disregarding the incontrovertible rights of the citizens of the United States, and the friendly relations which had not ceased to subsist between the two countries, advertised that property for sale at Stralsund on the 2d day of August, 1811, actually sold it on the 14th day of the same month, and caused the proceeds thereof to be paid into the Swedish royal treasury in Pomerania. These facts, it is believed, will not be contested, for they are supported by documents of acknowledged authenticity. Between the 12th of July, 1811, the day on which this property was placed at the disposal of the Swedish Government, and the 2d day of the following month, on which it was advertised for sale, there elapsed twenty-one days only—a period barely sufficient for deciding on the royal order at Stockholm, and for its transmission to Stralsund, and for the preparation and publication of the advertisement. The undersigned is ignorant of the date of that order; but, from the consideration just suggested, it could not well have been issued at a later day than the 20th of the same month of July, and consequently not more than eight days after the note of the Baron Alquier had announced the complete liberation, on the part of France, of the sequestered property. Whatever might have been the extravagance and versatility of the predominant despotism of the time, it will not be presumed that the Government of the United States will volunteer a belief of a total change of policy in so brief a period; and that, instead of consenting to raise the sequester, as so formally and recently announced, it had been capriciously resolved to proceed to immediate confiscation. His excellency must be aware that the precise orders received from the French Government during that period should be produced, and communicated to the American Government, to obtain its faith in the existence of an inconsistency in its nature so incredible. But neither his excellency nor any other Swedish functionary, has attempted to show that any such orders were so received; and the undersigned will now dare to trouble his excellency with proof, not merely presumptive, that they were not. A declaration of the Swedish authorities in Pomerania renders it certain that they at least acted in complete ignorance of such orders, as well as of all French interference on the occasion, and in the full conviction that the Swedish Government at Stockholm had the exclusive control of the transaction. This declaration is contained in the reply of those authorities, on the 9th of August, 1811, to a memorial presented to them on the 6th of that month, by certain merchants of Stralsund, on behalf of themselves and of their

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American constituents. This reply clearly manifests the opinion which the Swedish regency in Pomerania entertained of the justice of the object of the memorial, and of the competency of their sovereign to decide definitively in relation to it. It is likewise evident, from their engagement to place provisionally the proceeds of the merchandise claimed in the royal chamber, that they acted independently of all French interference, and that there was no agent of France in their vicinity whom they felt themselves obliged to consult or to obey in this proceeding.

The undersigned presents herewith to his excellency a copy of the translation, by a sworn interpreter, of this reply, as well as of the memorial itself, as they are both in perfect accordance with the statement of facts now submitted.

But the evidence which irresistibly carries with it conviction that the royal orders issued at Stockholm for the sale of the sequestered merchandise at Stralsund could not have been in consequence of any requisition of the French Government received subsequently to the note above mentioned of the Baron Alquier, of the 12th of July, 1811, is collected from another note from that Minister, addressed to His Royal Highness the Prince Royal, on the 13th of August of the same year. In this note, the Baron refers, with sufficient precision, to that which he had addressed to the Swedish Minister on the 12th of the preceding month, and clearly admits, by the manner in which he refers to it, that, since that time, he had neither received from his Government, nor communicated to that of Sweden, any instructions whatever on the subject of the merchandise which had been sequestered in Swedish Pomerania. The Royal order, therefore, which was despatched from Stockholm in sufficient season to cause the advertisement of that merchandise at Stralsund on the 2d day of August, must have been the free and spontaneous act of the Swedish Government, uninfluenced by any requisition of France.

The undersigned dares to present herein to his excellency copies of the two notes of the French Minister already mentioned, as it is possible, from the apparent unacquaintance of his excellency with their contents, that they may not readily be found in the archives of his Department.

There is one part of the note of the 12th of July on which it may still be proper to make a few observations. The duties which appeared to have been sequestered and claimed by France, as well as the merchandise, were here expressly allowed to be received for the account of the Swedish Government, while, in consenting to free the merchandise, there is no intimation of its ulterior appropriation. The duties undoubtedly belonged to Sweden, and merchandise, at least that part of it of which there is here a question, to citizens of the United States; and if the French Government had for a time claimed both, it was now obviously its intention to abandon both to their lawful owners respectively. Common sense and common usage can sanction no other construction; for the right of Sweden being expressly recognised to the duties only, necessarily implied a de-

nial of her right to the merchandise, which was not so recognised. *Expressio unius est exclusio alterius*. On raising the sequester, the parties concerned were to be reinstated in their respective rights; the Swedish Government, therefore, in its subsequent conduct relative to merchandise, appears to have acted not only without the coercion of the French Emperor, but in opposition to his intentions.

The note of the 12th of July is certainly at variance, both in its tone and object, with that of the 13th of August; but whether this variance is to be ascribed to the temper and error of the French Minister, or to a change in the sentiments and policy of his Government, it is not necessary for the undersigned to inquire; it is sufficient, for the justification of the views which he has now presented, that my note of the 12th of July was clear and explicit in its terms, and that it unequivocally placed the American merchandise at the sole and unrestricted disposal of Sweden. Nor does it belong to him to reconcile the new proofs of the constant friendship given by the French Monarch to that of Sweden in consenting, on the 12th of July, to raise the sequester on the colonial produce at Stralsund with the ungracious demand, made on the 13th of the following month, to cause that produce to be sold under the inspection of the French vice-consul, and the proceeds thereof to be deposited in the French vice-consular chest. The demand, made at Stockholm on the 13th of August, could not have had any influence on the sale of the merchandise which took place at Stralsund on the very next day; and it is certainly unnecessary to intimate the impossibility of imputing to that demand the previous order issued at Stockholm, or the advertisement published at Stralsund, in conformity to which that sale was effected; besides, the fact is notorious as already stated, that the French vice-consul was not allowed to interfere, and that the proceeds of the merchandise were paid, not into the French vice-consular chest, but into the Swedish royal chamber in Pomerania.

Were any proofs, in addition to that contained in the reply to the memorial above mentioned, necessary to establish the entire independence of the Swedish regency at Stralsund of all French authority, and that they acted solely on the orders of their own sovereign, this proof would be conclusively furnished by the note of the French Minister of the 13th of August, which expressly states that they refused to act in conjunction with the French vice-consul without first consulting their Government and asking its instructions. It is, therefore, evident that neither the presence of the French troops in Pomerania, nor the treaties of Sweden with France, had induced even the Swedish local authorities to the necessity of submitting to the undefined exactions of the continental system, or of obeying the commands of a French vice-consul. These authorities still had the spirit, surrounded as they might have been by troops and by treaties, to act in conformity to the orders of their own sovereign only; and it is inconceivable that His Majesty, aloof from all the danger, at Stockholm,

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could have been advised to pursue a less dignified and independent course. That he did not, indeed, pursue such a course, is apparent, not only from the facts already stated, but from the circumstance which his excellency has been pleased to communicate, that His Majesty, at that time, caused thirty-three American vessels, richly laden, to be delivered to their lawful owners in the ports of Sweden, in defiance of the formal requisition of the mission of France. This circumstance, instead of justifying or extenuating the sale of the American merchandise at Stralsund, as his excellency appears to believe, demonstrates that sale to have been unnecessary, either from a respect to existing treaties, or from a fear of offending the Government of France. It is difficult to perceive how his excellency could attempt to sanction an act of injustice and violence, which he affects to excuse from a deference existing, and from the necessity of yielding to foreign force, by a simultaneous act of justice, which he considers to be the more meritorious because it was performed in defiance of both.

As to the presence of French troops in Pomerania, it does not appear to have had any influence on the transaction. There was no military requisition made with respect to the American property at Stralsund; but all the demands of France, in relation to that property, as far as they are known to the undersigned, emanated from the civil department at Paris, and were communicated to the Swedish Government through diplomatic or consular functionaries only, unawed by any allusion to the possible intervention of an armed force.

With the actual employment of the proceeds of the confiscated American property, the Government of the United States considers itself as having no concern. It is the loss of that property by citizens of the United States, through an arbitrary act of Sweden, and not any advantage which Sweden did or did not derive from that act, which constitutes the ground of the present claim for compensation. To whatever object those proceeds were applied, the injury sustained by the American citizens remains the same. Still however, the American Government might be inclined to regard the violence with less painful feelings, had it been required for the promotion of some object essential to Sweden, and not gratuitously committed for an object, as his excellency asserts, entirely foreign to her particular interests.

If, contrary to all the evidence and argument which the undersigned has now presented, there should, as his excellency states, have been certain express conditions imposed by France, in raising the sequester, (or in making the transfer, as his excellency is pleased to call it,) requiring that the sums produced by the sale of the merchandise should be applied in placing Pomerania in a state of defence, his excellency will, it is presumed, feel the propriety of communicating these conditions to the American Government, in the terms in which they were originally expressed. Such a communication might, at least, have an effect in diminishing the impression which now exists, that the sale of merchandise was the spontaneous act

of Sweden. But even these conditions, however formal and categorical they might have been, which are relied on as an apology for the proceedings of the Swedish Government, could not be allowed to discharge that Government from its obligations to provide an indemnity to the American citizens whom these proceedings injured. If Sweden had, in fact, only a choice of evils, and elected the less in order to avoid the greater, she was certainly bound, in consequence of this election, to repair the wrong she inflicted on others for her own safety or accommodation. No necessity can be admitted of a nature sufficiently imperious to exonerate her from this responsibility, excepting that which resulted from the actual exercise of a foreign force, which she could not resist, and which, in fact, wrested from her the possession and control of the property which had been placed under the safeguard of her power and good faith. The incontrovertible facts that the orders for the sale were issued at Stockholm, and that the Government of Sweden was at least the unresisting agent, if not the principal, in this transaction, forbid a belief in even the possibility of such a necessity. If, indeed, those orders were not entirely voluntary on the part of Sweden, they could only have been constrained by an attention to her own interests, and by the conviction of the expediency of making a partial and minor sacrifice for the preservation of an object of more general and vital importance; and her honor could never have permitted her to suppose that such a sacrifice for such an object could be made at the expense of others, and not at her own. It was her obvious duty to make an adequate compensation to those who had suffered by the sacrifice as soon as she possessed the means—and she has long possessed them.

Where his excellency obtained his information that France was the ally of America in 1810 and 1811, the unhappy epoch of the seizure and sale of the American merchandise at Stralsund, the undersigned is at a loss to conjecture. The United States never disguise or conceal their relations with foreign Powers; they have no secret treaties for the purpose of eluding a distrustful enemy, or of surprising a confiding friend. Their whole history is open to the world, and, had his excellency consulted it, he would have known that America never was the ally of imperial France. If the United States were, unfortunately, as his excellency intimates, either directly or indirectly, sometimes the victim of the disastrous influence of France, they never were, for a moment, the agents of her vexatious domination.

The undersigned has now had the honor to present to his excellency, concisely, a transaction, with the essential circumstances of which his excellency acknowledges him to be acquainted. It belongs to his excellency, should the statement of these circumstances be erroneous, to furnish the facts necessary for its correction. It is impossible for the Government of the United States, with all the information which it now possesses, to believe that such facts can be furnished; and, if they cannot, his excellency himself must admit that the plea of

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necessity, founded on French compulsion, for the sale of the American merchandise at Stralsund, is without even a plausible pretext to support it.

On the 12th of July, 1811, that merchandise was, by the consent of France, to terminate the sequester, placed at the exclusive disposition of Sweden, and an unqualified power thus given of restoring it to the rightful owners. This power remained unimpaired by any new demand of the French Government for more than a month—a period amply sufficient to have reinstated the citizens of the United States in the full possession of their property, and to have enabled them to rescue it from any future danger with which it might have been menaced by the arbitrary and capricious policy of France. To have merely neglected, for a single day, thus to have exercised that power, would, it is believed, have justly made the Government of Sweden responsible for all the consequences; but not merely to have neglected, during more than an entire month, to restore the property, but to have employed that period and abused that power exclusively for the conversion of that property to its own use, exhibits a course of conduct on the part of that Government for which the mere pecuniary indemnity now demanded would appear to afford but an inadequate satisfaction.

The undersigned has confined himself in this note principally to those topics which it appeared to him proper to discuss, in reply to the communication of his excellency of the 27th of October. He takes the liberty, however, in order to avoid repetition, to refer his excellency to the note of the undersigned, of the 6th of September, 1816, which has hitherto remained without an answer, and of which his excellency, in his communication just mentioned, has not taken the slightest notice.

The undersigned has felt it to be his duty to state to his excellency the views of the Government of the United States on this subject, with perspicuity and frankness, and unrestrained by any repugnance to differ, in fact or inference, from his excellency; and this course he has pursued with less hesitation, as he confidently believed that it would not be ascribed to a want of becoming decorum, but to a regard to truth, and especially to the frequent declarations of his excellency that this transaction was not originally of his cognizance, and that he was therefore unacquainted with its details.

It is indeed to be regretted that the propositions made by the Swedish Government to the special agent of the claimants had not been of so satisfactory a nature as to have rendered this correspondence unnecessary. The undersigned has been encouraged to hope, from the conversations which he had lately had the honor to hold with His Majesty, that the note of his excellency would have contained some specific offer, dictated either by a regard to justice, or by some other honorable and friendly feeling, which should have put this subject of altercation at rest. The Government of the United States would still regard with complacency any arrangement with the claimants which should prevent the necessity of all further official discussion, and leave the harmony between the

two nations without the smallest circumstance to disturb it. But his excellency must be aware that, should the Government of the United States, in the absence of such an arrangement, and in the full contemplation of the real state of the question, as here presented, desist from its demand for indemnity, it would fail in its duty to those who have a right to its protection. The undersigned has been, therefore, specially instructed to urge this demand, and, "while reminding the Swedish Government of its unquestioned justice, and of its amount, so insignificant to the interest of Sweden, yet so distressing to the sufferers, to give notice that, in forbearing to press it in a more peremptory manner, it is by no means the intention of the Government of the United States to abandon it."

The undersigned has prevailed on himself to reply from Vienna to a note which his excellency addressed to him at Berlin; but, as this course is justified on the present occasion by peculiar considerations only, it will not be hereafter pursued. His excellency is therefore requested to address his future communications for the Government of the United States to Christopher Hughes, Esquire, who is charged with the affairs of its legation at Stockholm, during the absence of the Minister.

The undersigned has the honor to repeat to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

Copy of a memorial of the merchants of Stralsund to the Swedish Royal Regency.

The humble memorial of sundry within-named merchants of Stralsund, for themselves and their constituents, concerning the restoration of the colonial merchandises which were under sequestration, and the stopping the public sale thereof.

Informed, partly by public report, but especially by the publication of your excellency and the honorable Royal Regency, of the 2d of August, current year, that the colonial merchandises which are lying in the royal warehouses under sequestration are to be publicly sold, we find ourselves obliged most humbly to lay before your excellency and the honorable Royal Regency our reasons why we hope that you will be pleased, with respect to the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to let an exception take place from your measure announced in the newspapers.

Nothing agrees better with the principles of a sound political economy than liberty and security of commerce. Justice requires, unconditionally, that nobody shall be punished for an action which was hitherto permitted, and the prohibition thereof has never been published. Confiding in these principles, we and our commercial friends have ordered hither a quantity of colonial merchandises, which, after their arrival, were put under sequestration. Hard as this measure in itself already is, we could quietly look at it, as the same was only provisional, and we fully confided in the justice of our cause; but, as it now seems the ac-

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tual confiscation of the merchandises and the sale thereof are intended, then our and our constituents' interests will be too much injured that we should be able to remain quiet at that too.

All these merchandises have arrived here either from Sweden, under the authorization of the Swedish public authorities, or direct from North America, a State friendly connected with Sweden.

All the papers which concern them, as well as the ships which brought them hither, have been examined by the royal licent here, and have been found blameless; and your excellency, and the honorable Royal Regency yourselves, have granted the permission to enter and unload. Every thing herein has been done on our part publicly and legally. No prohibition opposed us herein; for the better security, we procured yet the special permission of the highest authority of the country, and we have paid, even already, part of the duties on these merchandises; and should now these merchandises nevertheless be confiscated and publicly sold for the benefit of the *fiscus*?

If we were yet in the hands of an enemy, such a measure would certainly not appear so very extraordinary to us, for an enemy only observes his own interest, and not that of the conquered country; but, in a state of peace, when the force of armies gives place to the power of the laws again, we cannot make ourselves familiar with the idea that the State itself should proceed in this manner against its own subjects, and against friends, who, under the protection of the laws, and in confidence upon the legality and publicity of their actions, thought themselves secure.

The Swedish Government, whose steps are always guided by mildness and justice, will certainly, when the matter is once put in a proper light, remain faithful to their mode of proceeding hitherto observed; and the just sentiments of your excellency and of the honorable Royal Regency are known to us by too many instances that we should not hope, with full confidence, that you will make use of all means to avert a measure so detrimental to us and our constituents; and we therefore venture, with the fullest confidence of a happy result, to pray your excellency and the honorable Royal Regency must humbly and most earnestly not to suffer the sale of the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to take place, but put the same to our own free disposition; or, at least, by your gracious interposition with the higher instance, to procure the same.

STRALSUND, August 6, 1811.

I conform with the original.

J. A. IKE,

Royal Assessor, Archivarium, &c.

Copy of a reply to the foregoing.

Upon the petition of the commercial counsellor, Mr. Barnsted, the alderman Evenhagen Schluter, the alderman Ineal, for himself, and attorney for the merchant Isleremond, and the merchants Wewetzen, widow Glasser Beurniss, and J. C. Mugenberg, for themselves and their constituents, for

the restitution of the colonial merchandises put under sequestration, and the prevention of the public sale thereof, it is decreed:

Whereas, according to the newest strict orders from His Royal Majesty, there shall be proceeded immediately with the sale of all the colonial merchandises which have been sequestrated here, their petition cannot be granted, but the Royal Regency will make report to the Royal Majesty of the reclamation entered by the memorialists, and the money received from the sale of the now claimed merchandises shall be lodged with the royal chamber until his determination, in order that, in case the same shall be favorable for them, it may immediately be paid over to them.

STRALSUND, August 9, 1811.

Decree for the above mentioned merchants is conformable with the original.

J. A. IKE,

Royal Assessor, Archivarium, &c.

I, Charles Erdmann, sworn interpreter of foreign languages in and for the Commonwealth of Pennsylvania, by lawful authority duly appointed and commissioned, residing in the city of Philadelphia, do certify that the preceding is a true and faithful translation of a certain original paper written in the German language, annexed hereto.

In witness whereof, I have hereunto set my hand and seal of office, this 2d day of January, 1812.

CHARLES ERDMANN.

PROTECTION TO MANUFACTURES.

[Communicated to the House, December 20, 1819.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of a convention of the friends of national industry, assembled in the city of New York, to take into consideration the prostrate situation of our manufactures, and to petition Congress for their relief and protection, composed of delegates from Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio, respectfully sheweth:

That your memorialists appeal to your honorable body, under a firm and a solemn conviction that a crisis has arrived, in the progress of our nation, which imperiously demands the serious attention and prompt exertion of the collected wisdom of its councils, and on which its future destinies must essentially depend.

That the United States, possessing every advantage of soil, climate, and native productions, and with a population industrious, intelligent, and enterprising, to a degree never probably exceeded by any nation; and after enjoying for twenty years the benefit of an over-proportion of the trade of the world,—find themselves in a state of great embarrassment and difficulty, involving almost every description of our citizens. Our commerce is greatly prostrated; our shipping has sunk in value to one-

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half of its original cost; real estate is depreciated, in most parts of the country, in an equal degree; numbers of our merchants, manufacturers, and farmers, are reduced to bankruptcy, and the circumstances of many of those who have escaped this calamitous situation are daily impairing; a great portion of our mechanics and artists are unemployed; and all the fruits of their labors, which might have been daily adding to the prosperity of the nation, are wholly lost. In fine, our great staples are so far reduced in price as most seriously to affect the interests of the agriculturists, and to diminish the means of paying for our importations.

That we are deeply indebted to foreign nations, notwithstanding we have transmitted to them as much of our surplus productions as they furnished a market for, and likewise a large amount of our Government and bank stock, which subjects us to an oppressive annual tax for interest, probably equal to the amount of the civil expenses of our Government, which adds to the impoverishing drain of our specie.

That, while so many of our manufacturers are thus ruined; our working people destitute of employment, and of the means to support their families; our manufacturing establishments falling to ruins; and our water powers, with which we are pre-eminently blessed, unemployed,—our cities and towns are filled with the manufactured productions of other nations, by which we have been and are ruinously drained of our wealth.

That those complicated evils which oppress us, and which have taken place during a season of profound peace of nearly five years' duration, after a war closed with honor, and which left us in a state of high prosperity, evince that there is something unsound in our policy, which requires a radical remedy, in the power of the National Legislature alone to apply.

That wisdom dictates to the United States to profit by the experience of other nations; to shun those systems which have operated on them perniciously; and scrupulously to adopt those that have advanced their wealth, power, and resources. Being the youngest nation in the world, they cannot, without a sacrifice of their happiness, pursue the paths that have led some to decay and ruin; nor deviate from those that have exalted others to a high degree of prosperity. We therefore respectfully submit to your serious consideration a slight sketch of the policy of some of the nations of Europe, with its consequences.

At the close of the seventeenth century, Portugal possessed a most flourishing and extensive woollen manufactory, raised to maturity by prohibitions of all rival articles from other nations. The basis of this manufactory was her own raw material, and that of Spain. It employed a large proportion of her population advantageously, and greatly enriched the nation. She was induced to remove the prohibition, and trusted to a protecting duty of 23 per cent. In three or four years the manufactory was destroyed; the manufacturers ruined; the workmen devoted to idleness and beggary; the raw material sold at low rates to foreigners, who employed their workmen on it, and

returned it at an advance of 300 to 400 per cent; whereby she was drained of her wealth, as we have been by similar means. In a word, gradually impoverished and ruined, she holds out a most impressive lesson to the statesmen of all other nations.

The example of Spain is equally striking. She has, for centuries, with those boundless treasures which are lavished on her in vain, nourished the industry of other nations, and often, with those treasures, squandered for their manufactures, fed the armies that have covered her fields with desolation, and shed disgrace on her arms.

The mass of her subjects, unprotected in their industry, are in a state of abject distress and misery; although, under a wise Government, some centuries since, Spain was the most manufacturing and prosperous nation in the world. And even at the present time, two or three of her provinces, under a different régime from the rest of the nation, where industry is protected, are as prosperous and industrious as any part of Europe.

Russia and Austria protect the industry of their subjects, and, in consequence, enjoy a high degree of prosperity and happiness. The former nation prohibits about two hundred articles specifically, among which are all the important manufactures of her allies, France and England. Austria, throughout the wide extent of her dominions, prohibits all cotton, woollen, silk, and other manufactures.

England has protected the industry of her subjects with more care, and has accordingly amassed more wealth, and attained a higher degree of power and influence than any other nation of ancient or modern times, in proportion to her population. The use she has made of her wealth, whatever it may have been, is no impeachment of the merit of the system by which it has been acquired. The case of France, however, is more striking and impressive than that of any other nation. For twenty years she waged wars, bloody and destructive almost beyond example, with two-thirds of Europe, and had in pay, during a large part of that time, armies of nearly a million of men. After those wars were concluded, she was crushed by foreign armies of two or three hundred thousand men, and had enormous contributions and exactions levied on her, to the amount of probably one hundred millions of dollars. Yet she has, in a few years, recovered from all these calamities, by protecting the industry of her subjects, and enjoys at present a greater degree of prosperity, it is stated, on the highest authority, than she has done at any former period.

The late war with Great Britain, and the events which immediately preceded it, produced in many of our reflecting fellow-citizens a due sense of their best and most lasting interests.

With a rapidly unexampled in the history of any other people, a large portion of their capital was transferred from commercial to manufacturing pursuits. The value of goods manufactured in the United States, as taken from the marshals' returns, amounted, as early as 1810, to upwards of one hundred and seventy-two millions of dollars, which value was very greatly increased during the late war.

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The peace of Europe was attended with ruinous consequences to us: our infant manufactures were blighted in the bud; the spirit of speculation spread through our country, seducing her votaries from the paths of quiet and laborious industry, by promises of sudden wealth. But it was soon found that the commerce of 1815 and 1816 was not the commerce of 1806 and 1807: the nations by whose calamities we had flourished, whose impoverishment had been our gain, were now at peace with each other, and returning with eager activity to the employments of social life; our vessels were no longer wanted to convey their products, nor to supply them with ours. Cherishing and depending on their own resources, they have furnished us a useful and honorable lesson in the encouragement, support, and extension of domestic, and salutary restrictions on the importation of foreign, manufactures. An imitation of their policy, in this respect, your memorialists believe to be indispensable to the prosperity and independence of our country.

With this belief, and a confident reliance in the disposition of Congress to promote these primary objects by every necessary means, your memorialists would respectfully recommend to your consideration three measures, the adoption of which, we feel persuaded, would remove the embarrassments of our country, and restore life and vigor to our almost expiring manufactures.

These measures are—

First. To abolish credits on import duties.

Secondly. To impose a restrictive duty on sales at auction.

Thirdly. To alter and increase the amount of duties on imported goods.

At the time when credits on duties were first established, the state of our country was very different from what it has since become. Slowly recovering from a long and desolating war, almost destitute of money and commercial connexions, our situation required that every aid and encouragement should be afforded to the first efforts of enterprise. This measure was, therefore, wise and salutary, and dictated by the necessities of the times. The weakness of our internal resources produced a dependence on imposts for the support of Government.

But how striking a contrast have we since presented! How great the change! From a population of three, to ten millions; from an annihilated commerce, to one that spreads its canvass on every sea; from a state of agriculture very little exceeding our own daily wants, to a surplus production exceeding eighty millions per annum; from an almost total want of manufactures, to an actual invested manufacturing capital of cotton and woolen goods alone exceeding fifty millions of dollars! Our commerce was at first carried on by resident merchants, whose prudence and experience restrained importations within due bounds; credits on the duties afforded them, according to the intention of Congress, facilities which their situation required. But, for some years past, and especially since the universal peace in Europe and the conclusion of the late war, those regular traders have

found themselves supplanted by foreign merchants and manufacturers, or desperate speculators, whom the credit on duties has enabled and induced to inundate our markets with foreign goods, producing the most pernicious effects on our mercantile stability and the prosperity of our manufactories.

It may also be here remarked that the operation of this credit on imposts is to create a capital for new importations; for, let us suppose that four importations, to the amount of one hundred thousand dollars each, be made in one year, at the average of twenty-five per cent. duty, the sum of about one hundred thousand dollars is left to trade with in the hands of the importer, with the ultimate risk to Government of the loss of the whole.

The American merchant is regulated and directed in his importations by his experience of the want and consumption of the country, and the prospect of fair and reasonable profits. The foreign merchant or manufacturer, on the other hand, is often impelled by his necessities to seek a market for his goods without regard to these considerations. It is well known, and we presume cannot have escaped the knowledge of Congress, that, at all times, under all circumstances, and at every hazard of expense, the Government, merchants, and manufacturers of Great Britain have their views steadily directed to the extirpation of every germ of manufactures among us. A credit of eight, ten, and twelve months increases their facilities for carrying into execution their hostile purposes.

These consequences, injurious as they are, are exceeded in extent by those which arise from the trade to China and the East Indies; a trade, in the opinion of your memorialists, (encouraged and unrestricted as it is at present,) of the most exhausting and pernicious effects to the country. The long credit of from one to two years allowed by law on duties in this trade, we are sincerely persuaded produces the ruinous effect of draining us of our specie; and, in the case of the greater part of East India goods, overwhelming our markets with inferior and worthless fabrics, which, from their apparent cheapness, meet a ready sale, while the much superior products of our own industry and skill must be sacrificed at a ruinous loss, or remain unsold in the hands of the manufacturer.

When to the foregoing considerations, important as they are to the regular merchant and to the infant manufactures of our country, is added that of the losses to which Government is necessarily subjected by failure in the payment of the duties, your memorialists humbly apprehend that the abolition of all credits for duties on imported goods will, at the same time, protect the manufactures, commerce, and the revenue of the United States.

Your memorialists would next call the attention of Congress to the second evil complained of—unrestrained sales at auction.

Sales at auction, we believe, were originally authorized by law for special purposes, such as the disposal of damaged goods, the effects of bankrupts, or property under execution, or sold by the

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direction of courts of law and equity. We believe it will be found, on examination, that such sales were not, until within a few years past, considered by any commercial country in Europe as forming a part of the regular course of trade, but rather as authorized for purposes necessary, indeed, but not at all commercial.

In the greatest commercial and manufacturing nation (Great Britain) they are, even at this day, extremely limited; sometimes used to feel the pulse of the market on the raw materials imported for their manufactures, and occasionally used for the sale of colonial produce and the effects of the East India Company. In no other country have they assumed the same importance as among us. In the extent to which they have now arrived here, they are greatly injurious, not only to the fair and regular trader, but to the community at large.

Large quantities of silk, woollen, cotton, and other goods, are manufactured in Europe and the East Indies expressly for sale at auction in the United States. These goods are of less than the usual length, deficient in breadth, or of flimsy texture—in short, in every respect inferior to the goods they are intended to represent; yet so well dressed, and in other respects so highly finished to the eye, that they generally escape detection until they reach the consumer, who too late discovers their inferiority. For such base fabrics have the people of these States, for years past, been exorbitantly taxed, to the great injury of our own hard-struggling manufacturers.

To give an example of the enormous extent of this business, which affords such facilities to the foreign manufacturer for practising imposition on our citizens, we will instance the amount of sales of foreign goods at auction, in the single city of New York, in one year.

From the best evidence the case affords, (that is, the returns of the auctioneers themselves,) they amounted, in the year 1818, to the prodigious sum of fourteen millions of dollars. Judging from this specimen, it will not be unreasonable to conclude that, in the United States collectively, foreign merchandise to the amount of at least thirty millions of dollars is annually sold in this pernicious mode; a most alarming proof that a very serious portion of the trade of the nation flows in this channel. And your memorialists are satisfied, from past experience, that the sales at auction of domestic goods are as deleterious in their consequences as those of foreign merchandise; inasmuch as they tend to encourage the manufacture of inferior fabrics, and thereby injure the reputation of American fabrics generally; and, also, that the sales of imitations, made in foreign countries with an intent to dispose of them at auction, produce the same injurious effects. Your memorialists are fully convinced of the necessity of imposing some restraint on this tremendous engine of commercial monopoly. For this purpose, they respectfully propose that a duty of ten per cent. be imposed on all foreign and domestic goods sold at auction, except household furniture, farming stock, and utensils, the effects of bankrupts, or goods sold under execution, or otherwise, by direction of

courts of law or equity. This, they hope, will in a great degree diminish, if not altogether cure, this great and growing evil, by destroying, or at least greatly lessening the temptation of profit.

Your memorialists, lastly, submit to the consideration of Congress the necessity of a further modification and increase of the present duties, and respectfully suggest the following alterations in the existing tariff:

That, in lieu of the present duties, a duty of ten cents per square yard be laid on all cotton and linen goods, plain or unstained, having less than seventy threads to the square inch, including warp and filling; fourteen cents per square yard on all having above seventy and under one hundred threads to the square inch, including warp and filling; of eighteen cents per square yard on all having above one hundred and less than one hundred and thirty threads to the square inch, including warp and filling; and so on in the same ratio upwards; and that twenty per cent. be allowed to the above duties on all printed, stained, dyed, colored, or worked cotton and linen goods.

That a duty of thirty-five per cent. *ad valorem*, be laid on all goods made wholly or in part of wool.

That the duty on every kind of silk goods, or of goods made wholly or in part of silk, (sewing silk excepted,) be raised to fifty per cent.

That all kinds of fabrics, not otherwise enumerated, and of less value than fifty cents per square yard, made wholly or in part of silk, cotton, wool, hemp, flax, or any other material, be estimated, and pay the same duty as if of the value of fifty cents.

That an extra duty be collected on all wares and merchandises, on which a bounty has been allowed by any foreign nation, equal in amount to the value of said bounty.

That foreign cotton, and every description of goods made wholly or in part of foreign cotton, be prohibited.

That a duty be laid on iron, in bars or bolts, manufactured without rolling, of one dollar and twenty-five cents per cwt.; on iron, in bars and bolts, when manufactured by rolling, two dollars per cwt.; on iron, in sheets, rods, or hoops, four dollars per cwt.; on iron, in pigs, seventy-five cents per cwt.; and on iron castings, two dollars per cwt.

Declining to enter into a detail of the alterations in the tariff, requisite for the protection of other branches now languishing, we beg leave to recommend to your particular attention, among others, the following:

Glass, copperas, corks, soap, paints, and colors, paper, gunpowder, jewelry, cutlery, plated ware of all kinds, coach and harness furniture, prunella shoes, hats, caps, bonnets, buttons, fire and side arms, china and earthenware, printed books, oil of vitriol, blue vitriol, and chemical preparations generally, gilt and japanned wares, paper hangings of every description, painted or oil cloths, umbrellas, manufactures of copper and brass, springs, screws, cotton stockings, and steel.

Independent of every consideration in favor of the policy of affording adequate protection to do-

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mestic industry, as herein recommended, deducible from its promotion of the general welfare of the country, and the protection due to the manufacturers, in common with all other classes of society, as a return for their allegiance to the Government, we are convinced that the farmers and planters would largely participate in the benefits of the system we advocate. The planter would have a steady market for his raw material, not subject to those destructive fluctuations which have produced such extensive ruin within the present year; and the farmer would have an equally steady and increasing demand for the productions of his farm, many of which, particularly in the interior of the country, and in the Western States, will not bear the expense of transportation to market. This advantage is so palpable, that we shall only refer, in illustration of it, to various towns and villages throughout the United States, in the neighborhood of which lands and their productions rose one or two hundred per cent. in value, in consequence of the extensive establishment of manufactures, and, by their decay, have fallen below their original value.

In support of our recommendations, we submit to your consideration a comparative view of the American and British tariff in a few articles:

| | <i>Am. tariff.</i> | <i>Br. tariff.</i> |
|---|--------------------|--------------------|
| | Per cent. | Ad valorem. |
| Manufactures of brass - | 20 | 59½ |
| “ cotton - | 25 | 85½ |
| “ copper - | 25 | 59½ |
| “ glass - 20 and 30 | | 114 |
| “ linen - | 15 | 142½ |
| “ silk - | 15 | prohibited. |
| China and earthen wares - | 20 | 79 |
| Hats, caps, and bonnets - | 30 | 85½ |
| Woollen hats - | 30 | 150 |
| Stockings, cotton, and woollen | 20 | 85½ |
| Watches, &c. - | 7½ | 59½ |
| Goods, wares, and merchandise, not enumerated - | 15 | 59½ |
| Oil of vitriol - | 7½ | 100 |
| Ale, beer, and porter, per gallon, cents - | 10 | 41½ |
| Woollen and worsted goods, per square yard, cents - | 25 | 755 |

Your memorialists will only add, that they rely with full confidence on your patriotism and wisdom for the adoption of such measures as will promote the best interests of our common country.

W. FEW, *President.*

Attest: MATHEW CAREY, *Secretary.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, December 27, 1819.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the American Society of the city of New York for the encouragement of domestic manufactures, respectfully represents: That your memorialists conceive it to be a prevalent

opinion among all those who are concerned for the present and future welfare of the nation, that some legislative measures are imperiously necessary to check the evils which have so deeply afflicted every part of the country, devastated its commercial, agricultural, and manufacturing interests, and laid waste the pecuniary affairs of the people.

That, notwithstanding the degree of embarrassment, depression, and distress, which is so universally felt, and the gloominess of the present prospects of every form of honest industry and enterprise, your memorialists are persuaded that such measures may be adopted by your honorable body as will afford a material and permanent relief.

Your memorialists apprehend that there is as little difference of opinion in respect to the causes which have, for many years, been operating to produce the present crisis, as in respect to the nature of the evils, the existence of which they deplore; and that the time has come when those differences of sentiment which once prevailed between those concerned respectively in the affairs of commerce, agriculture, and manufactures, are lost in the apprehension of ruin to them all.

It is felt by every one to be beyond the power of legislation, to restore that part of our commerce which was destroyed by the pacification of Europe, or to create foreign markets for that surplus produce of our soil, of which a superabundance is furnished by every other country. But every eye is turned to the supreme council of the nation as competent to restrain the excessive influx of foreign products, by which we have been made so dependent upon transatlantic markets; have incurred an enormous balance of trade against us; have been drained of our specie, deranged in our finances, exhausted, and brought to the near prospect of general impoverishment.

The deplorable effects of this excessive importation of foreign merchandise are so palpable and so deeply felt, that your memorialists forbear to dwell upon them, and proceed to ask the attention of your honorable body to those methods of restraint which they deem most eligible, and which they believe will countervail the principal incentives and temptations to the evil so much complained of. And they are persuaded that the credit allowed upon bonds at the custom-house, by facilitating the operations, and affording capital to speculators and alien traders and manufacturers, to the injury and ruin of the regular American merchant; and the practice of sales at auction, by enabling such speculators, traders, and manufacturers, not only to force their goods upon the market immediately after their arrival in the country, but to vend goods manufactured for that purpose, and of such inferior quality that no regular private sale of them could be effected, are two of the principal causes of the excessive influx of foreign manufactures. Nor is there reason to hope that the evils, of which these causes are so prolific, will cure themselves. The state of Europe being such as to occasion a vast surplus of manufactures, it is inevitable that greater loss must accrue upon that surplus if detained at home, than is hazarded by

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the exportation of it to our markets. It can be sent hither upon foreign account, with the following advantages :

1st. With the certainty of an immediate sale by auction, upon condition of immediate remittances; whereas sale at home would have been impracticable, and the want of the proceeds would probably have been ruinous.

2d. The benefit of the credit upon the duties, realized in the form of interest, or of active capital.

3d. The very trifling expenses incurred by the transaction of business in this manner, compared with those which are unavoidable to a regular mercantile establishment.

4th. The animating prospect of utterly annihilating all attempts at manufacturing in this country.

These circumstances, even should every regular American importer abandon his business, are sufficient to cause the country, for years to come, to be inundated and overwhelmed with the products of foreign industry.

In confirmation of this statement, your memorialists beg leave to add, that, in the year 1818, goods to the amount of fourteen millions of dollars were sold by public auction in this city; and they believe that the whole amount of such sales in the United States was not less than thirty millions of dollars; and that the amount due to the Government upon bonds, which was held by importers as capital for their ruinous operations, was not, and is not at this moment, less than twenty millions of dollars. But for this credit upon duties, and the facility of these sales by auction, it can scarcely be doubted but that importations would be restricted within reasonable bounds, and would be governed by the fair demands of regular business. The evils flowing from these two causes are common to the trade with Europe, and that with India and China. A vast amount of the surplus products of the two latter countries is annually shipped by natives and others, and sold by public auction in our markets, and the proceeds returned in our precious metals. The incitements to this trade, so confessedly ruinous to this country, are precisely the same as those which operate upon the trade with Europe. The existence of a vast surplus of manufactures, the bounty given on importations by the credit upon imports here, the certainty of immediate sales and returns, are temptations which it is vain to hope will be resisted or diminished, until the Legislature shall interpose its authority.

And your memorialists are convinced that any measures which should go to remove these causes of evil would not only preserve the nation from further and more hopeless embarrassment, but would afford material relief to the commercial, agricultural, and manufacturing interests of the country; nor can they imagine any alleviation of the present distress, which shall not extend to these several branches of industry and enterprise. They therefore respectfully pray your honorable body—

1st. To abolish credits on the duties accruing on imports.

2d. To impose a duty of ten per cent. upon all foreign and domestic goods sold by auction, with the exception of farming stock and utensils, goods sold under execution or otherwise, by direction of courts of law or equity.

And in consideration of the great importance of protecting the cultivation of cotton, the principal staple of the country, by securing to it a preference in foreign markets, and shielding it from the ruinous fluctuations incident to a competition with the overwhelming quantities and inferior qualities of India and other parts of the world; as also in consideration of the great importance of affording security and permanency to the interests of the manufactories of cotton, and especially of the coarser fabrics, already established in this country, your memorialists further pray that Congress would restrict the importation of cotton goods to such, and such only, as have been manufactured wholly from the raw material grown in the United States, and to increase the duties on all cottons of foreign growth.

Your memorialists forbear to enter into any detail, or to advance any further arguments in support of what they deem to be the only sound policy of the Government of the United States; but they respectfully beg reference to two important documents emanating from the Government on this subject, viz :

1st. The report of Alexander Hamilton, Secretary of the Treasury, of January, 1790.

2d. The report of the Committee on Commerce and Manufactures, of the 13th of January and the 6th of March, 1816; which they trust will place this subject in its proper point of view.

And your memorialists further respectfully pray that such alterations, amendments, and increase of the tariff, may be made, as Congress in their wisdom may judge best calculated to encourage the industry of the people, and secure to the nation the advantages of their enterprise and labor.

W. FEW, *President.*

PETER H. SCHENCK, } *Secretaries.*
JOHN E. HYDE, }

DECEMBER 16, 1819.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the House, January 3, 1820.]
To the Congress of the United States :

The remonstrance of the Virginia Agricultural Society of Fredericksburg against the attempts now making, by our domestic manufacturers and their friends, to increase the duties upon foreign goods, wares, and merchandise, respectfully represents :

That it is the indisputable right of every free people to petition and remonstrate, either individually or collectively, not only against grievances actually inflicted, but against such also as are either seriously threatened or meditated.

That hostility, resulting from true republican

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principles, to partial taxation, exclusive privileges, and monopolies created by law, was the primary cause of our glorious and ever memorable Revolution.

That, although most of us are only the descendants of those patriots who achieved that Revolution, by the lavish expenditure of their treasure and their blood, yet that we inherit enough of their spirit to feel equal aversion to similar oppressions; at the same time, we confidently trust that neither we, nor our sons after us, will ever be found backward or reluctant in offering up at the shrine of national good and national happiness any sacrifices, however great, which their promotion and preservation may obviously and necessarily require. But we have been taught to believe that a parental Government—a Government founded upon the immutable and sacred principles of truth, justice, and liberty—if she required sacrifices at all from those whom she is so solemnly bound to protect, would make them such as should operate equally upon every member of the community.

That we view with great concern, both nationally and individually, certain late attempts, on the part of various descriptions of domestic manufacturers, to induce your honorable body to increase the duties upon imports, already so high as to amount, upon many articles, nearly to a prohibition. The increased cost upon some of these may truly be designated a tax upon knowledge, if not a bounty to ignorance; such, for example, as the duty upon books in foreign languages, and upon philosophical, mathematical, surgical, and chemical instruments.

That, although, these attempts are sustained under the plausible pretext of “promoting national industry,” they are calculated (we will not say in *design*, but certainly in *effect*) to produce a tax highly impolitic in its nature, partial in its operation, and oppressive in its effect; a tax, in fact, to be levied principally on the great body of agriculturists, who constitute a large majority of the whole American people, and who are the chief consumers of all foreign imports.

That such a tax would be a flagrant violation of the soundest and most important principles of political economy, amongst which we deem the following to be incontrovertibly true; that, as the interests of dealers and consumers necessarily conflict with each other, the first always aiming to *narrow*, whilst the latter, who form the majority of every nation, as constantly endeavor to *enlarge* competition; by which enlargement alone extravagant prices and exorbitant profits are prevented, it is the duty of every wise and just Government to secure the consumers against both exorbitant profits and extravagant prices, by leaving competition as free and open as possible.

That in this way alone can the benefits of good government be equalized among the various orders and classes of society, the prosperity and happiness of which depend not upon immunities, privileges, and monopolies granted to one class or order at the expense of another, but upon the unfettered exercise of talent, skill, and industry, directed and employed in whatever manner, and upon whatso-

ever objects of pursuit, each individual may select for himself; provided, always, that such objects be not incompatible with the public good; for so to use your own rights as not to injure the rights of others, is not less the dictate of common sense and common honesty than it is a cardinal maxim of all legitimate government.

That national industry is best promoted by leaving every member of society free to apply his labor and his knowledge according to his own choice, exempt from all restraints but such as the public good requires, and burdened with no tax but such as shall be both impartial, and as moderate as the exigencies of the State will permit.

That, according to the natural progress of society in every country favorably situated for agriculture, the class of manufacturers is the last to spring up; but that it will necessarily do so, as soon as either the natural or artificial wants of the people create a demand for their labors.

That any legislative interference to force either this or any other class into existence by the strong arm of power, exercised in levying taxes to support the forced class, contrary to the wishes and interests of the other members of the community, is not only bad policy, but oppression; because taxes of any kind, to be rightfully levied, should be equal, and should be imposed, not for the emolument of any one portion of society at the expense of the rest, but for the support of Government alone.

That either to exclude foreign manufactures, or to tax them very heavily, under a notion of improving those of domestic fabric, lessens the profits of agriculture; diminishes the public revenue, either by augmenting the number of smugglers, or by enabling the domestic manufacturer to pocket that sum which otherwise would go into the public treasury, under the form of an import duty; and at the same time secures to him the power of practising upon the community the double imposition of deteriorating his goods, and selling them at a higher price; because that competition which constitutes the only security for skill, industry, and moderate prices, is either entirely removed, or so limited as not to be felt.

“That all free trade, of whatever description, must be a mutual benefit to the parties engaged in it,” notwithstanding the profits arising therefrom may be somewhat unequally divided; because by free trade alone can supply and demand (the two circumstances upon which trade of every kind depends,) be kept nearly equal to each other.

“That, instead of struggling against the dictates of reason and nature, and madly attempting to produce every thing at home, countries should study to direct their labors to those departments of industry for which their situation and circumstances are best adapted.”

“That the use of capital should be left, as much as possible, to the care of those to whom it belongs; because they will be most likely to discover in what line it can be employed to the greatest advantage.”

And that the best regulated and happiest communities are those wherein all the various trades,

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professions, and callings, enjoy equal rights, and contribute equally to the necessary support of their common Government; but that if any one should be thought to have superior claims to the fostering care of the National Legislature, it should be "the tillers of the earth—the fountain-head of all wealth, of all power, and of all prosperity."

The sagacious and patriotic Franklin has said (and we believe he never uttered a better or wiser remark) "that most of the statutes or acts, edicts, arrets, and placards, of parliaments, princes, and States, for regulating, directing, or restraining trade, have, we think, been either political blunders, or jobs obtained by artful men for private advantage, under pretence of public good."

Your petitioners have thus freely, but respectfully, endeavored to represent to your honorable body their views of a policy which you are so importunately urged to adopt, but upon which we should have said nothing, having due confidence both in your willingness and ability to protect the great landed interests of our country, had we not been apprehensive that silence might possibly be construed into consent, if all who are attached to those interests had forbore to speak, when so clamorously and powerfully assailed. To guard against the possibility of misapprehension, we take this occasion to say, that we are incapable of feeling any thing like enmity towards either manufacturers or any other useful description of our fellow-citizens, but heartily wish them all the success to which their skill and industry may entitle them, in whatsoever way applied; provided, always, that such application be not made at our risk, and continued at our cost. We will go further, and pledge ourselves to prefer whatever they may manufacture, at any time that they will make the price and the quality the same with the quality and price of similar articles of foreign fabric. To give more for any article simply because it is made at home may suit the feelings of political enthusiasm, but it can never promote the interests either of individuals or of nations. To buy as cheap as you can, no matter where, and to sell as dear, is the maxim which should regulate the commerce of both; for if competition be left free, neither can be exorbitant in their demands. We ask no tax upon manufacturers for our benefit; neither do we desire any thing of Government to enable us to cultivate the soil as profitably as we could wish, but to leave us free, so far as it depends on them, to carry our products to the best market we can find, and to purchase what we want in return, on the best terms we can, either at home or abroad. We will ever support the Government of our choice in all just and rightful undertakings, both with our fortunes and our lives; but we will never voluntarily contribute to maintain either manufacturers, or any other class of citizens, by the payment of unequal and partial taxes, by awarding to them exclusive privileges, or by sustaining them in the enjoyment of oppressive monopolies, which are ultimately to grind both us and our children after us "into dust and ashes."

All which is respectfully submitted.

JAS. M. GARNETT, *Pres't.*

PAYMENT OF DUTIES IN CASH.

[Communicated to the House, January 5, 1820.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial and petition of the undersigned, merchants and citizens of Baltimore, respectfully sheweth, that they, with their fellow-citizens generally, being seriously affected by, and deeply impressed with a sense of, the pecuniary embarrassment which prevails in every section of the country, beg leave to submit to the superior wisdom of Congress what appears to them as being among the prominent exciting and sustaining causes of the present distress, and respectfully to petition for a modification, which they are fully persuaded would afford very considerable, if not entire relief.

The very liberal policy which has been pursued by the American Government in relation to commerce, and particularly in regard to the collection of the duties on imported merchandise, appears to your memorialists to have caused the accumulation of a stock of foreign goods, not only in the seaport towns, but also throughout every part of the interior of our country, considerably above its necessary consumption, or the means of immediate payment.

The heavy stocks thus accumulated, appear, in some measure, and in several descriptions of merchandise, to be kept up by the extended credits on which these articles may be obtained in Europe, but more particularly by the inviting convenience of the liberal credits given by the Government here for the payment of the duties on importation, which not only encourages the American merchants to project a scale of trade fully equal to our means of remittance, in the produce of our land and labor, taken from us by foreign countries, but also holds out the stronger inducement for foreign houses to press into the country large additional supplies on their own account, which, if it ever were desirable, in the more infant state of the commerce of this country, to encourage the use of foreign capital to aid the import trade, your memorialists apprehend that the period has now arrived which renders such a policy rather an evil than a benefit. The wealth thus acquired out of American industry by transient merchants, or for foreign account, generally, in the end, leaves the country; while, in the progress of this trade, their operations oppress it with debt, and create a constant demand upon it for specie. In the mean time a considerable amount of American capital, for want of employment, has been drawn into various unnatural channels; among others, your memorialists beg leave to notice the fitting out of vessels for the purpose of prosecuting, under foreign colors, illicit privateering and piracy, and for engaging in the cruel and unnatural traffic to Africa for slaves; to the great demoralizing tendency upon the mariners of our country, who are thus employed to execute crimes which originate in the secret forebodings and projects of others residing among us.

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A large amount of American capital, employed by some of the most respectable houses hitherto engaged in the import trade, has also been forced out of it, by the superior advantages and obvious rivalry of those who work on foreign account, in the various refinements which take place between owner and agent, in regard to the original cost on which duties are paid.

In addition to what would be the demand for foreign merchandise, under a wholesome operation of trade, your memorialists beg leave to suggest that importations of goods, obtained on credit in a foreign market, thus paying a duty, on an extended credit here, have been effected to a very considerable extent, with the exclusive design of raising funds for other objects. Large consignments of merchandise are also made by foreign houses to their agents and others residing in this country, upon the information taken from American orders and commissions, after the American merchants had given these orders, to the full extent that it was safe and proper to be done; and many of the goods, thus imported, being sold at public auction for cash, afford to the foreign owner the use of capital equal to the amount and credit on the duties.

Voyages have likewise been executed to and from the West Indies, first by purchasing a cargo in this country on extended credit, with a view of realizing the return cargo, in cash, before the credit on the first or the credit on the duties would expire.

A cargo of teas, arriving in this country, to a favorable market, and immediately sold, will furnish the means, both as to time and amount, for a new voyage, of equal value, by the credit alone which is allowed for the payment of the duties, without the aid of any other capital. A cargo of West India spirits, arriving, and being sold, under the same circumstances, will furnish, in like manner, the means of two subsequent voyages, the second double the amount of the first, before the expiration of the credit on the duties.

The accommodation of a long credit, on the very heavy duties now payable on nearly all imported merchandise, but more especially on teas, foreign spirits, wines, sugars, coffee, and foreign manufactured goods, by constituting a considerable part of the price for which they are sold in this market, thus forms a prominent consideration in the commercial object of some merchants, under particular circumstances, without any regard to the evil consequences, both public and private, which attend their operations. If the rate of duties were increased to double their present amount, payable on the same term of credit, the defect in the policy of giving a long credit on heavy duties would be rendered still more obvious, by a great enlargement of unsound commercial operations, with an equal increase of all the other evils which attend the present system.

In this state of commercial existence, your memorialists beg leave further to suggest that the immense overstock of foreign merchandise, thus, in some measure, forced into the country, soon becomes pressed, from the superabundance, into the interior—generally on extended credits.

The merchants of the interior are thereby enabled to offer their merchandise on the same or more alluring credits, almost at the door of every consumer; while the consumers too often, in return, relaxing in their industry, and neglecting to improve the advantages which nature has placed around them, continue to supply themselves out of the foreign stock, until debt and embarrassment have arrested the procedure. Your memorialists are aware that the late excessive and fictitious banking operations contributed greatly to delude the American community; and that goods of domestic fabric, when offered in excessive quantities, and on immoderate credits, would also have a tendency to impair industry amongst the consumers. But it must appear equally obvious that a fair demand would exhilarate manufacturing industry, and that, in the same commonwealth, an equilibrium must soon take place. But the wide difference between the policy which invites the expenditure of wealth, even upon luxuries, produced from the industrious labor of our own country, and the policy which invites to the expenditure of the same wealth upon luxuries of foreign origin, thus supporting foreign industry and neglecting domestic, your memorialists apprehend to be worthy of a peculiar consideration.

From the practice and habit of using foreign goods in such abundance, your memorialists further apprehend that an unwarrantable prejudice has been created in favor of them, to the great moral injury of the American community, who are now disposed to consider many of those articles not only as matters of convenience and comfort, but also as the test of importance among their fellow-citizens. The expensive woollen, cotton, and linen fabrics of Great Britain and Ireland; the costly silks of China, France, and Italy; the coffee, sugar, and teas of the Indies; the extravagant wines of Madeira, &c. are, from an acquired taste, producing a vitiated standard of public opinion, considered essential for the table, and for the apparel of a respectable family in the American community, and constitute a very considerable part of their consumption and expenditure. If the amount annually paid for the excessive proportions of these luxuries was, only for a few years, saved to the country, your memorialists feel confident that the United States would be placed, on the scale of independent prosperity, above the rivalry of any other people; but as the natural consequence of an import trade greatly overdone, from the causes which your memorialists have had the honor to suggest, the interior of the country now stands largely indebted to the merchants of the seaport towns, while the latter are scarcely less in debt to foreign countries; and to meet the balance of trade thus created against us, or, with a view to new importations, after the produce of the country is taken abroad to the extent of the present demand for it, they are engaged in collecting and exporting a part of the small quantity of specie remaining in the country, which it is now manifest would have been carried out to a greater extent but for the extensive sales and hypothecation of American stocks in England since the late

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war, contributing hitherto to keep down the premium on exchange, and retaining, for the time being, the specie in the country, but still leaving the nation, to an equal amount, in debt for future settlement.

Your memorialists, therefore, with a view to sound national policy, by raising an additional barrier to the excessive importation of foreign goods above our means of payment; with a view to a more equal and correct payment of the duties; with a view to check the inordinate preference given to foreign productions, by bringing those of our own country more into use; with a view to improve the condition of commerce, by coercing trade more into operations for cash, or on shorter credits; with a view to secure to the resident American merchant, and thus to the country, the profits growing out of American trade; with a view to turn the balance of trade as much as possible in our favor, and thereby to bring back a portion of the precious metals; and, finally, but still with a view of leaving commerce free, for the employment of American capital, in all articles which the country may require, and can afford to consume, whether as matters of necessity, convenience, or objects of taste and fancy—with these views and designs, your memorialists respectfully pray that the duties on all foreign goods, wares, and merchandise, imported into the United States, may be made payable in cash; or, if the goods are put into the public stores, that the duties may be made to bear an interest from the date of one month after the entry of the vessel in which they may be imported.

And, under the influence of a sense of justice, actuated by feelings of humanity, and with a high regard for the reputation of their country, and particularly for the city in which they reside, your memorialists further pray that effectual measures may be taken to arrest the practice, which, it is apprehended, still prevails to a considerable extent) of employing American vessels and American mariners, under foreign colors, in unlawful privateering and piracy, as well as in the African slave trade.

WM. PATTERSON, *and others.*

BALTIMORE, December 20, 1819.

OBJECTIONS TO THE CASH PAYMENT OF DUTIES, &c.

[Communicated to the House, January 6, 1820.]

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth, that your memorialists have been informed that petitions are about to be laid before your honorable body, from this city and elsewhere, praying that a law be passed altering the system of collecting the revenue in such manner as to make the duties payable in cash, in place of allowing, according to the established practice, a credit on bonds; the

nature and consequences of the proposed change, so interesting to all those concerned in the foreign commerce of the United States, your memorialists will respectfully attempt to point out to the Legislature of their country.

The present system of collecting duties formed a part of the first revenue laws of the United States: it was proposed thirty years ago by one of the ablest financiers of which this country can boast, was adopted after the maturest consideration, and has since been many times attentively re-examined; laws and regulations to enforce it, and to preserve the rights of the Government, have been carefully devised; and it may with safety be said, that in no country whatever have the imposts been collected with smaller losses or at a less expense; and, even of the small losses which have accrued, it is well known that a part has been owing to the want of vigilance and attention of the officers intrusted with the collection of the duties.

From the commencement of the present Government, the existing system of collecting the duties has confessedly been in successful operation; the commerce and agriculture of the country have been fostered by it, and under its influence the United States have advanced to wealth with a celerity beyond example, and have, in a great degree, by the activity of commercial and other national interests, stimulated and supported by this judicious system, risen from a state of infant feebleness to a maturity of strength and power. During this long period, this system has become interwoven and intimately connected with every interest of the community; it has been universally acquiesced in, and has scarcely had to encounter even a censure; but now the National Legislature are called upon to change laws of acknowledged excellence, whose utility has been sanctioned by the experience of thirty years, and to substitute others altogether new, and of uncertain operation and effect.

Great and sudden alterations of the commercial laws of a country ought not to be made, unless evils of magnitude can clearly be pointed out in the existing laws, or great benefits can be proved to accrue from the proposed changes. The reasons urged against the present system of collecting duties are, that it tends to encourage overtrading, and to inundate the country with foreign goods. These are, in part, true; for a credit on the first cost, or on the expenses of importing goods, will increase the quantity imported, and of course lessen the profits; the importer will sell lower, and the consumer buy cheaper; and as it operates by increasing a competition, the smallest possible profit on the trade will be charged, and in many instances it will even be carried on at a positive loss. But this cannot long endure; commerce will in this branch, as in every other, regulate itself, and will not continue to be carried on without producing some profit on the capital employed. The influx of goods into the United States is, however, attributable to other causes; the great increase of British manufactures and the decrease of their markets (other nations in time of peace manufacturing for them-

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selves,) will much more satisfactorily account for the surplus of foreign manufactured goods in this country. But there is another cause for the accumulation of foreign manufactures here, and one which may fairly be hailed as an evidence of returning health in the body politic, because it proves that we are recommencing habits of economy and industry. By the late Treasury report, it appears that the amount of goods imported is much reduced; taking this fact in connexion with the assertions made to your honorable body from various sources, that we are deluged with foreign fabrics, and the inference, not that we have imported more, but that we have consumed less, is irresistible.

Another reason urged against credits on duties is, that it furnishes a capital for the merchant equal to the whole amount of duties bonded. This is also true, but to a certain degree only: so far as the importer of goods receives back from the buyer or consumer the duties for which he has bonded before the bonds have been paid, it becomes to him an additional capital. In the China and India trade, the capital thus raised out of duties is sometimes very large, but in all the other branches of the foreign commerce of the United States the reverse is true; and it is asserted, without fear of contradiction, that the duties are paid to the Government, on an average, before they are received from the consumer. But in those cases where the duties operate to increase the capital of the importer, what is the consequence? It may benefit him; it certainly does promote the interest of the community; as the amount of capital is increased, the profit on capital is diminished; the merchant gives more to the agriculturist for his productions, and sells him his supplies at a lower price.

Your memorialists respectfully solicit the attention of Congress to some of the consequences of the proposed recommendation, that the payment of the duties on goods should be in cash, at the time of their arrival.

Suppose such a law passed and rigidly carried into effect: at any time when it commences, the prospective payments into the Treasury from bonds for twelve months would amount to about twenty millions of dollars; the amount of duties accruing during the same period, and payable in cash, may be stated at about eighteen millions; the contributions of the community would thus be nearly doubled, and the payments of two years brought into one. Is any community, it may fairly be asked, able to bear an addition to heavy duties of ninety per cent. in one year? and if such an addition could be collected, the inquiry is of immense importance, what would be the consequence to the commercial, agricultural, and manufacturing interests of the country, of withdrawing so great a proportion of actual capital from those pursuits, and placing it in the hands of the Treasurer? It is no less important to inquire what would be the consequence to our numerous and respectable State banks, of disturbing, and perhaps withdrawing from them so great a proportion of their deposits, and placing them in the vaults of another moneyed institution?

But the Chamber of Commerce cannot suppose, for a moment, that a law will be enacted rigidly enforcing the payment of duties in cash on the arrival of the goods, or that, if enacted, it could possibly be carried into effect. A new law must provide for a great number of contingent cases: when goods arrive, some consignees may be absent, some may be dead, some have become bankrupt, some refuse to receive the consignment; some parcels of goods may be without invoices, others damaged; a malignant sickness prevailing in a port may prevent any consignee from entering his goods. These cases will show the absolute necessity of warehouses being provided by the collectors, to receive such goods as are not entered, and of appointing a time by law when, if not entered and the duties paid, they shall be sold. So many exceptions will become necessary in the operations of the law, that the new system, instead of being for the collection of duties in cash on the arrival of the goods, will really be for the collection of duties on goods after they have been stored; thus, as to a credit on the duties, the old and new systems will approximate—the security for duties on the former, bonds with surety, and, on the latter, the goods themselves. If there is any advantage to the Government in this change, it will be gained by the introduction of serious evils and disadvantages; the charges of collection will be enormously enhanced, and the number of officers greatly increased. Individuals will be subjected to additional expenses, to new and vexatious regulations at the custom-houses, together with delays in business, and injury to the goods stored. Although the expense and inconvenience of storing goods be very great, still the circumstances of many merchants would make it necessary to submit to them; others, more wealthy, would be able to pay the duties on arrival, and thereby avoid those inconveniences; in this class will be found the foreign agent, who will be furnished with funds by drawing on his principal at home, or his factor here; thus the tendency of the system will be to create and sustain a monopoly in the hands of foreign and other capitalists, and to oppress and bear down that class whose moderate means and great industry strengthen and invigorate the best interests of the community.

The effect of the proposed measure on the revenue of the country cannot fail, in the opinion of your memorialists, to be seriously embarrassing to the Government. The payment of duties in cash, or a charge of interest from the arrival of the goods until the duties are paid, will, it is true, be equal to an additional duty of about five per cent.; but still, a change from a system well understood, to one whose operations are unknown and uncertain, will alarm the timid, and increase the caution of the prudent merchant, and, until all its consequences are developed, will have a tendency greatly to restrain and limit the commercial operations of the country, and proportionably lessen the duties on importations; and the Treasury, after the first year, will have parted with a fund in bonds equal at all times to about twenty millions of dollars, payable within twelve months, and which would

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always prove a solid resource in case of a war with a maritime nation.

Your memorialists feel a deep solicitude on this subject, and are earnestly desirous that the National Legislature may see that the difficulties to which the commerce of this country has been exposed have arisen out of the great changes which have taken place in the state of the world some years past, and that our sufferings have been in common with other nations; that the evils complained of will naturally regulate themselves; and that to attempt to remove them by changing the established system of the country, and introducing new laws making duties payable in cash, will be equally unavailing and injurious.

The Chamber of Commerce, having thus taken the liberty respectfully to express their sentiments on one great national question, hope it will not be considered presumptuous if they introduce another important subject to the attention of your honorable body. Memorials from this city and elsewhere will, it is understood, be laid before Congress, recommending that a duty of ten per cent. be laid on all sales at auction. This, in the opinion of your memorialists, is equivalent to recommending a law prohibiting all sales at auction. The policy of regulating, and the impolicy of prohibiting sales at auction, seem to be equally clear and certain.

A considerable portion of the goods sold at auction in the United States are on account of foreigners, who ship them direct to the auctioneer, or to agents who place them in his hands; thus avoiding the expense of warehouses, stores and other parts of a mercantile establishment, to which merchants in a regular line of business are subjected. So many goods are sold at auction as to regulate the prices of those sold at private sale, the importer, therefore, who intends to sell at private sale, must sell about as low as the auction prices, and be subjected to the usual expenses of a mercantile establishment. To place these classes of merchants on an equality, a moderate duty on sales at auction would seem to be necessary.

Your memorialists, therefore, respectfully recommend to your honorable body to pass a law laying a duty of two and a half per cent. on all goods sold at auction in original packages, and of five per cent. on all other goods sold at auction, with the exception of the property of bankrupts or insolvents assigned for the benefit of their creditors, the property of deceased persons, goods sold by process of law, and goods damaged at sea and sold for the benefit of the owners or insurers. And your, &c.

WM. BAYARD, *President.*

JOHN PINTARD, *Secretary.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, January 10, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of citizens of Middletown and its vicinity, in the State of Connecticut, respectfully

represents : That your memorialists, viewing the success of American manufactures as an object of great national importance, earnestly hope that such duty may be imposed upon imported fabrics (more especially those of wool and cotton) as shall be adequate to protect our own from a ruinous competition. All wise nations, even those who from selfish motives would dissuade us from following their example, have strenuously extended this species of protection to their manufactures.

Most of your memorialists have no personal interest in manufacturing establishments. They are influenced solely by a wish to promote the cause of their country against foreign nations—a cause in which are involved the prosperity and happiness of all the different sections of these United States in which the cotton planters of the South, and still more obviously the inhabitants of the Western States, from their remote inland situation, and the liability of their single outlet to the ocean to be obstructed, if not closed, by hostile squadrons, have as deep an interest as the artisans and farmers of the Northern and Eastern States. Our foreign markets are, and probably for a long period will be, so limited and depressed, that the exportation of the surplus produce of our soil cannot furnish our former, nor indeed any considerable resources. Thus, while both our agriculture and our commerce languish, we must, of necessity, turn to domestic manufactures for relief. If American manufactures were duly protected, they create for agriculture an extensive and permanent home market, which would powerfully aid in removing the present severe pressure on our country; that useful branch of industry, doubly more valuable than our foreign commerce—the coasting trade—which generates no collision with other nations, would be prodigiously increased; our seamen be preserved, and in readiness to assist us in the exigencies of defensive or inevitable war.

A deadly blight ought not to be thrown upon the enterprise of our manufacturers, by the fear of lessening the revenues of the customs. Their diminution would not be so formidable as is frequently apprehended; for the higher rate of duties imposed would, in a considerable degree, counterbalance the reduction in the quantity of our imports. Even were the receipts of the custom-house diminished more than we believe, the national debt would only require a few years more for its extinguishment. This consideration should not be allowed to expose multitudes of our fellow-citizens to ruinous speculation, or inactivity, or labor for a bare penurious subsistence—the sure consequences of the prostration of American manufactures at this period.

Nations, like individuals, must become poor and dependent when they habitually purchase to an amount larger than the product of their labor. Such a state of things, unfortunately existing now among us, will soon be as injurious to morals as to property. If long continued, not only moral but political virtue would be extinct, and patriotism a word of derision or reproach. Indolence, the parent of vice, would combine with artificial wants to enervate; the luxury and domineering influence

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of a few rich men, acting upon the poverty of the mass of our citizens, would corrupt; and the neglect of national industry by the Government would alienate the people from our inestimable political institutions. It should never be forgotten that, in the hour of danger, a safe reliance cannot be placed on the mere love of native soil. The paternal encouragement of all the various classes, and of all the useful occupations in the community, is requisite to secure the tie which binds the people to their Government. Everywhere, and particularly in a confederation of States like ours, mutual interest is the most indissoluble bond of union. Should our artisans be treated with cold neglect, while those under monarchies are warmly cherished, strong prejudices might be excited against our Government and our country.

Agriculture alone cannot furnish all the necessities and conveniences of life. Again: independently of those engaged in the indispensable mechanic arts, a large portion of our people cannot be employed as cultivators of the soil. Women, children, and also many of our men, are incapable of tilling the ground, although they might be usefully employed in several departments of manufactures. And if they were capable, where should we find a market for the immense surplus of our agricultural products? We might have a useless superfluity of provisions, but we should be deeply in debt for our clothing and other necessary articles. It is evident that a plan of general husbandry would, in the present situation of the United States, if put in execution, be so profitable as to produce a most pernicious relaxation of national industry; because the supply of commodities is always proportionate to the demand occasioned by their consumption, and because the demand for our agricultural commodities abroad being only to a small amount, agriculture must look for its principal market at home; and, consequently, for an extension of that market, it must rely chiefly upon the encouragement of American manufactures.

Adequate protecting duties, at this juncture, would soon create or revive such a number of manufacturing establishments in this country, that ere long their rivalry would probably reduce the price of their fabrics below the present standard of those imported. But, on the other hand, if we now permit our manufactories to be prostrated by neglect, we shall be compelled to purchase from European workshops at an exorbitant advance, and thus reimburse, with excessive usury, the losses they had previously sustained. In vain we might then threaten Europe with competition; she would judge of the future from the past, and our menaces would be despised. Indeed, the mouldering ruins of our deserted manufactories would deter us from the attempt to execute our threats. We should dread lest the reluctant patronage of our Government might be suddenly withdrawn, and we be again exposed to those machinations which foreign merchants and manufacturers are now practising with success.

There are several fabrics which, possibly, for a considerable period, cannot be advantageously made in the United States. The importation and

sale of such would employ a due proportion of merchants, and would be to an amount fully equal to this country's capacity of payment. But we now pay vast sums to other nations for various articles, which, with proper encouragement, we might soon make nearly, perhaps quite, as cheap ourselves. We are willing tributaries to Europe and to Asia. What is the consequence? The precious metals have nearly disappeared, and our circulating medium of trade is a precarious paper currency. For the discharge of the enormous yearly accumulating balances we owe abroad, we have remitted large quantities of our bank stock, and even of the evidence of the debt contracted by our Government with its citizens. We are thus placing not only our property, but even the credit of our country, in the power of foreign nations. It is to be feared that we are rapidly approaching a crisis not less perilous than degrading.

A complaint is sometimes heard that American fabrics were sold at high prices during the recent war with Britain. To this we answer, that, setting aside all the difficulties inseparable from new establishments, those prices were not higher than we paid for imported fabrics of the same quality; and also, that the competition of American fabrics prevented much of that extortion to which, but for them, we must have been subjected. Besides, why censure the manufacturer for obtaining the market price for his commodities, any more than the merchant, planter, and farmer for obtaining it for theirs?

In case of war with any great Power, the necessity of our possessing manufactories, particularly those for arms and clothing, is so obvious as to render comment useless. But these establishments must be previously protected and matured by Government in times of peace, before the emergency which demands them actually arrives.

Had not heavy duties been imposed to encourage our fabrics of leather, fur, wood, iron, &c., there would have been very few of those numerous and useful classes of artisans who are at present engaged in manufacturing these articles in this country. Prodigious sums would have been expended abroad which now circulate at home, enriching large bodies of industrious, valuable citizens, who contribute essentially to the support of many others, as well as to the general wealth and happiness of the community. Proper encouragement would give as powerful a stimulus to several other branches of our manufactures. We might then have a respectable home market and home trade, which, as they would not be endangered by the frequent political and commercial fluctuations of other countries, would, from their security, their permanence, and their amalgamation of the interests of different parts of the United States, be of immense importance in a national point of view. This opinion is corroborated by our rapidly increasing population, which, in conjunction with the progress of our new settlements, has a tendency to incalculably augment the products of our soil, and, of course, to render an extensive and permanent home market indispensable.

Habitations, food, and clothing, are the primary

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natural wants of mankind. No nation can be durably powerful that does not itself furnish them all, without recourse to others. We cannot be really independent until we make our own necessary clothing; and the prosecution of this object is also closely connected with the advancement of national morality and industry. In proof of this assertion, we refer to Portugal and Spain. All the South American gold and silver mines of the one, and the Brazilian diamonds of the other, have weighed lightly in the scale against the ruin of their manufactures. The effect produced on Portugal by the Methuen British Treaty, that abrogated the heavy duties once laid on British fabrics, places this subject in the clearest light of moral demonstration.

An evil of great moment—one, of whose extent few appear to be aware—results from the unprotected state of American manufactures, and the consequent influx of foreign woollen and cotton fabrics. This evil is the alarming diminution of our household manufactures, by which very many families formerly supplied themselves with the principal articles of their clothing. These were very durable; they were chiefly made by women and children at leisure hours, when their time would have been otherwise unproductive. Such occupations wonderfully promoted habits of industry and frugality. But, unfortunately, imported woollen and cotton fabrics, flimsy in their texture, but handsomely finished, are sold ostensibly so cheap that great numbers have relinquished their highly beneficial system of household manufacturing, and are now becoming embarrassed by contracting debts for what they could have made better and cheaper for themselves.

Your memorialists would here suggest the expediency of imposing such a per centage upon sales at auction of woollen and cotton goods, and of any other fabrics that in your judgment ought also to be included, (with the exception of property of this description belonging to bankrupts' estates, to deceased persons, or which is sold by execution,) as may in future prevent the severe injuries arising to the regular, fair American dealer, as well as to the American manufacturer, from the various artifices which are successfully practised through the medium of auctions.

Your memorialists conclude by respectfully repeating their earnest request that the honorable Congress of the United States, who are the guardians of the nation's welfare, will subject imported fabrics—more especially those of cotton and wool—to such duties as shall secure to American manufactures that protection which the interests and real independence of our country seem imperatively to require.

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, January 17, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, citizens of Pennsylvania, respectfully sheweth: That the pol-

icy hitherto pursued in this country, which has exposed most of our manufacturers, whose productions are excluded from nearly all the markets in Europe, to an unavailing struggle with the manufacturers of all that quarter of the world, and likewise of Hindostan, has been the principal cause of the present calamitous state of affairs, whereby industry, the source and parent of the power, prosperity, and happiness of nations, has been paralyzed; the wealth of our country, which ought to invigorate its agriculture, manufactures, trade, and commerce, been drained to foster the industry and support the governments of foreign nations; a considerable portion of our farmers, manufacturers, merchants, and traders, reduced to, and others tottering on the verge of, bankruptcy; whereby, in a word, a state of decrepitude and decay has been produced, in the short space of three or four years, of which history affords few examples, in the same space of time, during a season of peace, and without any of those great natural calamities which interrupt the happiness of nations.

When your memorialists examine the policy of Europe, (that portion of the globe from whence sound lessons of political economy can be derived,) they find that the system pursued in this country is in direct hostility with that of every wise nation there. All of them sedulously guard the interests of their manufacturers, as one of the main sources of their wealth. They restrain by prohibitory duties, or prevent by absolute prohibitions the importation of such important articles as their own subjects can manufacture.

We are persuaded that sound policy dictates to all legislative bodies, particularly those of young nations, carefully to review the systems pursued in other countries; to trace the welfare of the people on whom they operate; and to shun those which destroy the industry, enfeeble the strength, and impair the resources of the respective nations; and, on the other hand, to adopt, as nearly as may be, such as have fostered their industry, and increased their strength and resources.

The limits of a memorial prevent us from entering into detail on the tariff of different nations. We cannot, however, in justice to the public interest, omit to touch slightly on some of the prominent features of the protecting system pursued in other countries, whose statesmen are certainly not inferior to ours in intellectual attainments, and whose examples and opinions should not be lightly rejected. We shall confine ourselves chiefly to four—Great Britain, France, Austria, and Russia. Other nations, as Prussia, Holland, Denmark, &c., pursue a system marked with similar characteristic features.

Great Britain prohibits, even from her own dependencies, calicoes, manufactures of gold, silver, or metal, laces, ribands, silk goods, &c.; and her protecting duties are so high as, in most cases, to be equivalent to prohibition. The duty on hats is about seven dollars and a half each, and on woollen cloths seven dollars and a half per yard. There are above sixty articles, including manufactures of brass, copper, carriages, thread stockings, clocks,

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&c., subject to fifty-nine per cent.; china and earthenware, shawls, &c., pay seventy-nine; cotton manufactures, cotton stockings, caps, thread, and linen sails, pay eighty-five; glass manufactures, generally, one hundred and fourteen; skins or furs, tanned, tawed, or curried, and articles made of leather, or whereof leather is the article of chief value, one hundred and forty-two per cent.

So minute is her attention to this grand point, that linen, when chequered or striped, painted or stained, is subject to one hundred and forty-two per cent. duty, but only to sixty-three when not chequered or striped. The object is to secure to her own subjects the profits of the staining, printing, &c.

Great Britain expended many hundred millions of pounds sterling to replace the Bourbon family on the thrones of France and Spain, and of course had high claims on the gratitude of both monarchs. Yet the paramount duty of justice to his subjects gained the ascendancy over gratitude to his friends, in the councils of Louis XVIII. One of the earliest measures of his administration was the promulgation of a tariff, whereby above two hundred different articles, including all the most important of the British manufactures, and, among the rest, muslins, cambrics, woollen cloths, all articles made of leather, steel, iron, brass, tin, wood, bronze, &c., were totally prohibited.

Let us add that Ferdinand VII., as soon as he ascended the throne of Spain, issued a proclamation, not only forbidding the importation of cotton goods altogether, but ordering those actually in the country to be reshipped within twelve months.

For the policy of Austria on this important subject, we respectfully refer you to a recent British publication—*Rordanes on European Commerce*. It is therein stated that “the importation of all silk, cotton, and woollen manufactures, is forbidden in the whole extent of the Austrian dominions, as it has been hitherto in the ancient Austrian States only.” There are various other prohibitions, unnecessary to be detailed.

The prohibitory system of Russia, a country, like our own, with a vast territory and a very disproportionate population, is carried to an extent far beyond that of any other in the world, except China. It embraces all the great leading articles of manufacture, as cotton, linen, leather, wool, wood, copper, iron, paper, silk, silver plate, glass, and a vast variety of articles of minor importance.

Every reason that exists for prohibitions in those nations, for the purpose of protecting the native manufacturer, and preserving the resources of the country, exists here. And we cannot but lament that the arbitrary Governments of Europe have displayed more attention to the interests of their subjects interested in manufactures than the same description of persons have experienced from their fellow-citizens in Congress. The former are protected, by the strong arm of law, against the competition of every nation whatever; while the latter are exposed to the competition of the whole world, and consequently to ruin. It therefore irresistibly follows, that so far as regards the acqui-

sition of property, and the protection of property acquired, a large portion of this class of citizens are debarred from one of the most substantial advantages of Government. This is a stain on our annals which cannot be regarded without deep regret—a stain which, we respectfully hope, for the honor of our common country, you will speedily obliterate.

Numerous objections have been raised against the protection of manufactures in this country, which we shall freely but respectfully examine.

Among the most prominent is the extortion said to have been practised by the manufacturers during the late war, which has been by many regarded as a complete justification of the refusal of an increase of duties.

We believe this accusation can be fairly disproved, to the satisfaction of every ingenious mind; and we respectfully invite your attention to the subject. We shall state the case of superfine broadcloth, on which the chief reliance has been placed. The reasoning that applies to this article will apply equally to others. Foreign cloths were sold, in 1811, before the war, at eight, nine, and ten dollars per yard. Merino washed wool was then about seventy-five cents per pound. One hundred and fifty thousand pounds of imported merino wool were sold, in the course of that year, by Messrs. Warder and Son, of Philadelphia, to Messrs. Dupont, of Wilmington, and others, for from seventy to eighty cents. On the general establishment of the woollen manufactories, at the close of 1813, merino wool was sold at two dollars and a half to three dollars per pound, as appears by the Philadelphia price current; which also shows that on the 23th of March, 1814, the price was from three to four dollars, at which it continued stationary for the remainder of the year. The highest price of American superfine broadcloth, at that period, averaged from twelve to fourteen dollars. Foreign cloth was generally sold at a higher rate; and, but for the supplies from the American manufactories, would probably have been sold for twenty dollars. Thus, while the farmer, who advanced the raw material from four to five hundred per cent., and the importer, who raised his prices from fifty to two hundred per cent. on the various articles he had for sale, accuse the manufacturer of extortion, the latter did not advance his fabrics more than fifty per cent. on the prices current before the war, notwithstanding the extravagant rise in the price of the raw material, and likewise in wages, owing to the extraordinary demand for workmen, and notwithstanding the enormous expense of the manufacturing establishments, and the advance in the price of almost every article of food and dress.

We hope and believe that this accusation, though so often reiterated, will have no influence on your honorable Houses.

We beg leave, very respectfully, to take another glance at this subject. The cotton planters have for many years raised cotton at an expense of about eight or ten cents per pound, and sold it from twenty to thirty-five. The farmer has likewise raised wheat at an expense of one dollar per bushel,

and frequently sold it from two to three dollars. While they made such exorbitant profits and independent fortunes, unenvied and uncensured by their manufacturing fellow-citizens, it cannot be very correct for them to reproach the latter (a large proportion of whom have been ruined) with extortion, for selling at thirteen or fourteen dollars an article which actually cost them ten or eleven. Let it be observed, that every yard of superfine cloth requires four pounds of merino wool unwashed, or two washed. When the heavy expense of the manufacture, and the interest on the capital invested, are taken into consideration, it will appear that the profits were very far from unreasonable. This accusation, therefore, cannot fail to recall to recollection the parable of the beam and the mote.

But even admitting that the manufacturers had really been guilty, during the war, of tenfold the extortion they are unjustly charged with, it by no means follows that the prosperity of our country should be sacrificed by the suppression of its industry, and the protection of that of foreign nations; or that, therefore, manufactures should not be protected by adequate duties, lest similar extortions should now be practised; for, to avail ourselves of the cogent and irresistible arguments of Alexander Hamilton, the competition between our citizens engaged in those branches would secure the articles to the consumer at a fair price.

"Though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded cheaper, and accordingly seldom or never fails to be sold cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience."

Another objection is, that the labor is too high in the United States to afford any chance of competing with foreign manufactures. To this we reply, there are various manufactures so well established as to overcome foreign competition altogether; and it therefore follows that this objection falls to the ground. We might instance a great number, but we confine ourselves to the manufacture of shoes and boots, of which each individual in the United States probably averages a pair and half per annum, amounting to about thirteen millions, which, at one hundred and twenty-five cents per pair, amount to \$16,000,000 per annum. Of these articles, the importation in 1816, as may be seen by reference to the reports of the Secretary of the Treasury, was only forty-two thousand one hundred and eighty-four pairs, and in 1817 only fifty

thousand five hundred and sixty-two. This decides, we trust, the question of high wages forever; for, if the objection were valid, it would apply to the manufacture of shoes and boots with as much force as to any other; and it is worthy of observation, that the duty on men's shoes is only twenty-five, and on children's fifteen cents per pair.

To this we beg leave to add another reply, of at least equal cogency. There are few manufactures, either wholly or chiefly depending on manual labor, which have not succeeded in the United States; whereas our defeat is principally in cottons and woollens, produced almost wholly by machinery, aided by the labor of an over proportion of old women and children. Hence the advantages of our boundless water power, our extraordinary mechanical skill, and the superabundance (in the case of cotton, particularly) of the raw material, are injudiciously sacrificed.

The next objection we shall notice is the alleged demoralizing effects of manufacturing establishments. To refute this, we invite your attention to, and comparison between, two neighborhoods, in one of which manufactures are established, and another remote from such establishments. In the former, there are, as already observed, numbers of aged men and of women and children, usefully employed for themselves, and adding to the mass of the resources and happiness of their country; while, in the latter, a large proportion of persons of this description are doomed to idleness, and its inseparable attendants, vice and guilt. Children in manufacturing establishments are inured to habits of industry, order, and regularity, which generally adhere to them through life.

But we are not left to the guidance of mere hypothesis alone, which, however plausible, is often very fallacious. We have the strong basis of fact to rest on. There is no country in Christendom where manufactures have been carried to a greater extent than in England proper; therefore, in no other country could the experiment be more accurately made; and there the question has been fairly decided. Colquhoun, a most indefatigable and accurate statistical writer, after a full survey of the pauperism and crimes of that country, informs us that the agricultural very far exceed the manufacturing counties in both those stains upon human nature. From this authority there can hardly be any appeal.

It is asserted that it would be a pernicious policy to entice away capital and labor from agriculture to workshops. This apprehension is wholly groundless. Farmers or planters rarely transform themselves into manufacturers. There is in this country a vast amount of capital, for which the owners cannot, in the present deranged state of our affairs, find any employment. But were there any assurance of adequate protection to manufactures, it would be immediately directed towards those objects. There are likewise great numbers of persons, skilled in the cotton and woollen branches, who are destitute of employment, and who could abundantly supply the demands of the United States, were they duly encouraged. We have al-

ready, stated that the greater proportion of the labor is performed by old men, women, and children; let us add, that were those branches in such a flourishing state as to hold out inducements to emigrants, we should have constant accessions to our population of persons skilled in them, many of whom would bring with them large capitals, equal to our utmost wants, without drawing away any portion of the capital or labor engaged in husbandry.

The danger of encouraging smuggling is regarded, by many of our citizens, as an insurmountable objection to protecting or prohibitory duties.

This will be found to disappear, like the rest, when fairly submitted to examination. For, suppose it were necessary to raise the duties on woollens and high-priced cottons to thirty-five, forty, forty-five, or even fifty per cent.; we appeal to the candor of your honorable Houses, whether the objection to any of these duties on cambrics, muslins, and broadcloths, on the ground of the danger of smuggling, can be admitted for a moment, when it is considered that gin is subject to a duty of one hundred and twenty-four per cent.; rum, to eighty-six; brandy, to ninety-six; cheese, to seventy; souchong tea, to from seventy to one hundred and twenty; manufactured tobacco, to fifty; and wines, to fifty and sixty. We shall only add, that it is indubitably as easy to smuggle a pipe of wine, a chest of tea, a cask of rum or tobacco, as a trunk of muslins or cambrics, or a bale of broadcloth.

Another objection is against the injustice of taxing the many for the benefit of the few. This assumes the groundless position, that permanent protection of manufactures would necessarily produce permanent high prices; which is refuted by the luminous maxim quoted above from Alexander Hamilton. But even admitting this maxim to be incorrect, the objection may be answered fully in another mode. If one part of the community is not to be taxed for the benefit of another, why, we respectfully ask, is gin dutied at 124 per cent. for the protection of the peach brandy and whiskey of the farmer, and cheese at 70 per cent.? Why is the coasting trade secured to our merchants, by which foreign competition is wholly excluded? And why, we ask, are "the many taxed for the benefit of the few," by the enormous expenses of a navy, foreign embassies, &c., for the protection of commerce?

The protection of manufactures is strongly objected to on account of its interference with commerce. But omitting all considerations arising from the general distress produced by the existing system, we ask, have we at present, or are we likely to have, any commerce, to which it is right or proper to offer up as a sacrifice the welfare and happiness of the useful and productive body of men engaged in manufactures? Such is the prostrate state of our commerce, which unfortunately, depends in a great measure for its success on European wars and famines, that there are few articles that can be imported, and as few that can be exported, without loss.

But even admitting for a moment that our commerce was not so highly disadvantageous as it is,

and that the encouragement of manufactures would somewhat interfere with it, we cannot thence infer that it would not be amply indemnified. In fact, far from suffering, it would gain by the arrangement; for the diminution of the number of merchants, by a portion of them withdrawing to manufactures, would render the profession profitable to those who remained. It is obvious, even to a superficial observer, that the mercantile profession in this country has almost always been greatly overdone; and that an inevitable consequence of the superfluous number of merchants has been to raise the markets of our produce at home, and depress them abroad, not only to the injury and frequent ruin of the merchants, but to the injury of the nation. Hence it is more than probable that our commerce, in which for twenty years more than half of those who pursued it have been ruined, would have insured independence and happiness to two-thirds of the number, had the residue transferred their talents, their industry, and their capital to manufactures.

Another consideration deserves attention. The encouragement of manufactures would open new channels of commerce, by the importation of raw materials from abroad, and by the increase of the coasting trade, in transporting the manufactures of the Middle and Eastern States to the Southern, and the cotton and other raw materials of the latter to the workshops of their fellow-citizens. Even of late years, the tonnage employed in the transportation of raw materials to the port of Philadelphia, has exceeded that employed in the transportation of piece goods.

To foster and cherish national industry, the paramount duty and the characteristic feature of good government, most of the nations of Europe either wholly prohibit, or impose high duties on, the exportation of raw materials. We are probably the only civilized people, who, possessing to an immense extent one of the most valuable raw materials in the world, not only send it abroad to distant nations wholly free of duty, but receive it back in a manufactured state, at an advance of from one hundred to two thousand per cent. It would not be more unreasonable to export our wheat to have it ground, and purchase it again in the form of flour, than to sell raw cotton and receive it back manufactured; as the advance on the flour would hardly ever amount to a third part of the advance on cambrics and muslins.

We respectfully state to your honorable Houses, that such is the wonderful increase in the value of cambrics and muslins, beyond the price of the raw material, that the labor of 100,000 cotton manufacturers, aided by machinery, would pay for the amount of the greatest export of the productions of the United States, in any one year since the declaration of independence. This fact, which, if you require it, shall be proved at the bars of your Houses by the most unexceptionable testimony, is the more extraordinary and lamentable, as the high rate of wages here has been, as we have said, among the objections raised to manufactures; whereas it appears that we exchange the produce of the labor of ten, twenty, or thirty of our

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citizens, for that of one foreign manufacturer. Another objection arises from the supposed danger of impairing the revenue. We respectfully represent to you, that, in the scale of reason and justice, this objection does not appear entitled to as much importance as is attached to it. The expenses of the Government must be borne; the interest of the debt must be paid, and the debt itself gradually extinguished. But these objects can be effectually accomplished without any sacrifice of the national industry; for if low priced cottons and woollens, such as we can ourselves abundantly supply, were wholly prohibited, and the duties increased on those of greater value, the revenue would probably be indemnified, by the gain in the one case for the loss in the other. The same observation applies to most other articles which require protection.

But we beg leave further to represent to your honorable Houses, that the policy pursued, so highly injurious to the national resources and industry, has not been advantageous to, but may ultimately injure the revenue; for the general distress, and the decay of trade and commerce, resulting from the drain of specie, to pay for the extravagant and ruinous importations of foreign goods, have produced such a disability of purchase at present, that the importations of the ensuing twelve or eighteen months, and consequently the duties, will fall very far short of those of former years; and thus the future deficit will probably more than countervail the past excess.

But should the system of protection impair the revenue, it would be only in a slight degree, and merely affect the question of the period of the ultimate redemption of the public debt, which may in consequence be somewhat protracted. When the alternative is between this effect on the one hand, and a continuance of the existing state of things on the other, we trust there can, in an enlightened body, be no difficulty in the decision. It would be unsound policy in a merchant to anticipate the payment of his debts so rapidly as to deprive himself of the means of carrying on his commerce; and it is equally unsound for a nation unnecessarily to press forward the payment of its debts with such rapidity as to exhaust its resources.

Among the reasons that alienated the affections of America, in its colonial state, from the parent country, a very powerful one was the restraints imposed on its manufacturing industry. These were the subjects of loud and unceasing complaints. And we respectfully ask you, whether the consequences to the nation and to individuals are not as fatal, when our industry is torn up by the roots through the means of a tariff fatally inadequate to protect it, as by an arbitrary edict? Does it administer any comfort to the hundreds of useful citizens who invested large capitals in those valuable manufacturing establishments spread throughout the country, whose ruins bear the strongest testimony against the policy we pursue; or to the tens of thousands of workmen reduced to mendicity, many of them with large families, that their sufferings have not proceeded from the mandates of

a privy council, but from the erroneous policy of their fellow-citizens?

The policy of this country has been in a great degree predicated on the specious idea of Adam Smith, "to buy goods where they can be had the cheapest." It has had a fair trial, and its pernicious tendency has been clearly demonstrated. We buy cotton, wool, and muslins in Hindostan; cambrics, muslins, and broadcloths, in France and England, because we can purchase them cheaper there than at home; and there is good reason to believe that we shall have large importations of "cheap" wheat from Odessa. This system has caused a large portion of the existing distress. But of what avail is it that every species of goods and merchandise, and even most of the necessities of life, are "cheap," when the means of purchase are far more reduced with almost every class, and with some have nearly disappeared? The owner of houses, who was in the receipt of two or three thousand dollars per annum, and whose rents have fallen one-third or one-half; the storekeeper, who made a comfortable support for his family, and whose business is almost wholly suspended; the great body of our Western farmers, whose breadstuffs are excluded from those European markets whence their supplies of "cheap goods" have been drawn, and whose industry has thus received a vital stroke; the workman who earned six, eight, or ten dollars per week, and who is now destitute of employment; and every other class of the community now enduring more or less distress, derive little consolation in their difficulties and embarrassments from the consideration that they have bought, and can buy, foreign articles cheaper than domestic. We are persuaded, had the latter been twice as dear as the former, (the difference of price, however, has generally been insignificant,) that recent events prove it would have been sound policy to give the preference to the productions of our fellow-citizens.

We beg leave to correct an error of considerable importance. We said that "every class of the community was suffering more or less distress." There is one striking exception. Great capitalists find a golden harvest in these times. They can add farm to farm, house to house, ship to ship, and stocks to stocks, at their pleasure, to the ruin of the productive classes, who have been always regarded as the most valuable portion of society, and whom it has been the policy of all wise Governments to foster and cherish. The present state of affairs is wonderfully calculated to enrich the wealthy extravagantly; to impoverish and reduce to distress those who have heretofore furnished employment and the means of procuring a comfortable subsistence to thousands and tens of thousands of useful citizens, which they are now unable to afford; and not only to deprive the latter of the means of supporting themselves and families, but perhaps to drive many of them to desperate courses, as so frequently occurs in all countries in times of distress and difficulty. A capitalist with half a million of dollars could now purchase property which one year since would have sold for one million and a half, and which in one or two years hence,

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when the present calamitous state of affairs, sub-sides, may realize the same sum. This is the poisonous fruit of the upas tree, of "buying cheap goods abroad."

We hope it will appear, on such an enlarged and liberal view of the subject as ought to be bestowed on it by a legislative body, fairly chosen, in a free country, that the advantages held out to farmers and planters from purchasing foreign goods cheap, however specious and plausible they may have appeared, are wholly illusory. The great mass of those descriptions of citizens purchase so few foreign manufactured goods, which alone are to be taken into view in deciding this question, that the utmost saving that can be made on them is insignificant compared with the solid advantages of securing a permanent home market for their productions. The average consumption of foreign manufactures by the citizens of the United States is not four dollars per head. Let us suppose every species of foreign goods to be twenty-five per cent. cheaper than domestic: in this case, the saving, by preferring the former, would be only one dollar per head throughout the Union. Let us respectfully call your attention, on the other hand, to the severe loss incurred by the sacrifice of domestic industry. This will enable you to form a correct decision on this important subject. The reduction in the price of cotton from thirty to eighteen cents per pound, is thirty-six dollars on a single bale; and the reduction in the value of the wheat produced by a single acre of land, suppose twenty bushels, by a fall from two dollars and fifty cents to one dollar and a quarter per bushel, is twenty-five dollars. And it will not admit of a doubt, that had the protection of our cotton establishments provided a home market for that important staple, the price, from the steady and increasing demand, would probably have remained stationary; at all events, it would never have experienced so rapid and so ruinous a reduction. Moreover, so far as regards the farmer, it is highly probable that a due protection of manufactures would, in a few years, as already observed, attract to this country so many foreign artists and manufacturers as would consume nearly as much of the necessaries of life as are now exported abroad.

Dearly, therefore, have they paid the forfeit for adopting the maxim of "purchasing where goods could be had the cheapest;" a maxim rejected in practice, as we have stated, by every wise nation in Europe, and acted upon only by Spain, Portugal, and the United States.

On a review of the proceedings of the fourteenth Congress, your memorialists find that the present calamitous state of affairs was clearly exhibited to their view as early as February, 1816. What was then prophecy, has, alas! fatally become history.

The Committee of Commerce and Manufactures, in a most excellent and eloquent report of the above date, ask:

"Do not the suggestions of wisdom plainly show that the security, the peace, and the happiness of this nation depend on opening and enlarging all our resources, and drawing from them whatever

shall be required for public use or private accommodation?"

"The committee consider the situation of the manufacturing establishments to be perilous.—Some have decreased, and others have suspended business. A liberal encouragement will put them again into operation, with increased powers. But should it be withheld, they will be prostrated. Thousands will be reduced to want and wretchedness. A capital of nearly sixty millions of dollars will become inactive, a greater part of which will become a dead loss to the manufacturers. Our providence may lead to fatal consequences. The Powers jealous of our growth and prosperity will acquire the resources and strength which this Government neglects to improve. It requires no prophet to foretel what use foreign Powers will make of them."

It cannot be sufficiently lamented that these sage admonitions were unavailing. The tariff, on the most important manufactured articles, was fixed so low, that it required but little sagacity to foresee the ruin of the manufacturers, and the consequent impoverishment of the country.

Your memorialists respectfully state, that they further find that the manufacturers, while numbers of them were sinking victims of, and all of them suffering by, the overwhelming competition of foreign rivals, explicitly stated their sufferings and dangers to their fellow-citizens in Congress, each succeeding session, respectfully and earnestly soliciting that protection which they alone had the power, and which it was their imperious duty to bestow. It is painful to your memorialists to state, (but candor requires they should state,) that those applications were disregarded; that the applicants were left to fall victims in an unequal struggle; in which long established manufactures, immense capital, great credit, and Governmental protection were arrayed on one side, and on the other infant establishments, exhausted capital, slender credit, and a tariff utterly inadequate for protection. The memorials from Rhode Island, Pittsburg, Baltimore, and Oneida county, are masterpieces of eloquence, admirably calculated to excite the sympathy and to command the aid of the Legislatures to which, unhappily, they were in vain addressed.

Although this memorial has already extended to a great length, we cannot close it without placing the subject in another important point of view, deserving of your most serious consideration.

The establishment of manufactures on a respectable scale in any town or village is of transcendent benefit to the agricultural interest, as they immediately enhance the value of the lands in the neighborhood from one to five hundred per cent. Independent of the advantage already glanced at, of a steady home market for his wheat, flour, corn, rye, &c., the farmer has "a certain demand for his cabbages, peas, turnips, and other garden stuffs, and fuel, which are too perishable for foreign markets, or not worth the expense of transportation." And this is not mere theory. There are two strong cases in point. The establishment of the manufactories at Brandywine and Pittsburg enhanced

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the value of the neighboring lands in the ratio above stated, and wonderfully increased the prosperity and comforts of the circumjacent farmers. The same effect has been produced in other parts of the Union; and it would be everywhere produced, in a greater or less degree, by the same cause. And, moreover, the sons and daughters of the farmers and country laborers, a large portion of whose time is at present entirely wasted, would have a source of profitable employment, to add to the comforts and the happiness of their parents.

We therefore pray that, taking the premises fully into consideration, you will be pleased to revise the tariff in such a mode as to revive our drooping manufactures, and afford effectual protection to the national industry.

PETER S. DUPONCEAU,
And others.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the House, January 17, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the United Agricultural Society of Virginia in general meeting of their delegates—

From the Agricultural Society of Prince George's— Thomas Cocke, Edmund Raffin.

From the Agricultural Society of Sussex— John Edmunds, George Blow, William F. Raffin, William I. Cocke.

From the Agricultural Society of Surry— Nicholas Faulcon, Charles H. Graves, Richard Cocke.

From the Agricultural Society of Petersburg— John Pegram, Roger A. Jones.

From the Agricultural Society of Brunswick— Theophilus Field, John Jones, and Henry Lewis.

Your memorialists present themselves to your honorable Houses, as a portion of the independent agriculturists of Virginia. In that character, we design not to harass our Representatives with high-wrought pictures of distress which their wisdom could not have anticipated, and cannot remove; neither can we bring ourselves to detail, in the language of complaint, much less of reproach, those evils which we endure in common, not only with every class and denomination of our fellow-citizens, but with almost every rank, and description of civilized man. We solicit not the fostering care and patronage of the Legislature to alleviate, by bounties, monopolies, or protecting duties, calamities in their nature as inevitable as they are incurable by legislative interposition, because resulting from a combination of circumstances over which our Legislature can exercise no control. War is an unnatural and calamitous state; its evils must be felt sooner or later, and not less severely by being deferred. The transition from war to peace was sudden, and found us, like the rest of the world, unprepared. But we can bear patiently the penalty of our own improvidence, convinced that our distresses will be but temporary,

and recollecting that they were preceded by twenty years of almost uninterrupted prosperity. In this frame of mind, which we recommend to the imitation of our more discontented brethren, we have only to solicit, respectfully but earnestly, from your wisdom and experience, that we be left to ourselves to disembarass our own affairs by active industry and strict economy, instead of being placed at the mercy of interested individuals, who would flatter us with relief by abridging our comforts, increasing our expense, and diverting to their own pockets that portion of the produce of our labor which, differently applied, might serve to extricate us from our present difficulties. The undefined projects and extravagant claims of the manufacturing associations, collected from their circulars, reports of committees, and other publications, could alone lead us to apprehend that we may not be left to this repose which we so earnestly solicit, and which the difficulties of our present situation so imperiously demand. We have always suspected the policy of forcing any branch of trade or manufacture by bounties, monopolies, or protecting duties; but, without entering into the discussion of the general question, we would respectfully suggest that no period more unfavorable than the present could be selected for the commencement of an experimental course of political economy, beginning with the taxation of the many for the emolument of the few. When we consider the taxes already imposed on foreign manufactures, (averaging, perhaps, twenty-five per cent.,) and estimate the amount of freight, double commissions, insurances, and various smaller charges incident to shipping and transporting to this country the products of the foreign artisan, a moderate calculation will give to the American manufacturer an advantage of forty per cent. If, to this immense advantage over the European competitor, we add the cheap terms on which the chief necessities of life—meat, bread, and fuel—can be procured; the abundance in which the raw materials are produced; our happy exemption from the whole of that frightful catalogue of oppressive taxes, which, barely to read, makes the American citizen shudder, but under the continually accumulating weight of which the foreign artisan must labor; and still further, on the authority of the advocates of protecting duties, a considerable capital unemployed, and numerous laborers starving in idleness, and you exhibit a series of advantages on the side of the American manufacturer which would seem to put competition in our own market entirely out of the question. If, with such overwhelming odds in his favor, the American declines to compete with the foreign manufacturer, we must conclude either that capital is wanting to fit him out for the trial, or he scorns the consideration of such profits as would satisfy his opponent. If the former conclusion be true, it demonstrates the impropriety of attempting at this time to force manufactures by law; for, as capital is essentially necessary, and cannot be forced by law, we had better await its slow growth, from the gradual operation of the usual causes; and whenever it arrives at sufficient maturity, manufactures will follow without force. But if,

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on the other hand, our manufacturers are so impatient to enrich themselves as to disdain the gradual accumulation of moderate profits, we submit respectfully to your wisdom the impolicy of subjecting so large a portion of your fellow-citizens to such unreasonable cupidity—of laying them at the mercy of an association who (competition being removed) will no longer consider the intrinsic value of an article, or what price would afford a fair profit to the manufacturer, but how much the necessities of the consumer would enable them to extort. Of this spirit, we had a sufficient specimen during our late war with Great Britain.

In reply to these arguments, we are told that many manufacturing establishments have been ruined for want of protecting duties. We doubt not the fact of ruin; but we more than doubt the cause assigned for it. We strongly suspect that, on a fair investigation, most of the failures may be accounted for very differently. For instance: 1st. By embarking in business on fictitious capitals; the sudden recall of which left the adventurers, as they originally were, without funds. 2d. Engaging in speculations unconnected with their factories, and, by the failure of these, ruining their establishments. 3d. From the impatience of growing rich, by the gradual accumulation of moderate gains, stimulating them to attempt establishments and projects beyond their means. Few, we believe, of those who commenced with real capitals, and pursued their business prudently, have failed to improve their fortunes. The greater part of this description of persons acknowledge, with honest candor, that they are sufficiently protected. But, as we have forced none of our fellow-citizens to embark their capitals in the precarious speculation of establishing manufactures—perhaps before their time; nay, as they have voluntarily involved themselves in ruinous projects not from patriotic motives, but views purely selfish, and founded on the fallacious prospect of a protracted war, we see no reason why they should call upon us to restate them by a heavy sacrifice, and this, too, at a time when it is with the utmost difficulty any of us can fulfil our own personal engagements, and many are reduced to the necessity of sacrificing their property to satisfy their creditors. Under these circumstances, we hope that your honorable Houses will not deem unreasonable our respectful remonstrance against any increase of burden beyond the necessary expenses of our Government.

One favorite argument insisted on by the manufacturers is so offensive a libel on the great body of the American people, that indignation will not suffer us to pass it unnoticed; to wit, that the establishment of home manufactures is necessary to keep the people firm to their duty in time of war. Thus, more than insinuating that the millions of independent high-minded agriculturists who people our extensive territory, constituting at once the pride and the strength of the nation, are to be taught the value of independence, and the necessity of self-defence, by the operations of an inconsiderable number of manufacturers scattered through the country.

In every nation, with whose internal affairs we

are familiarly acquainted, the landed interest has been proverbial for liberality, in comparison with any other class; and we proudly believe the day will never arrive when the American yeoman will not suffer himself patiently to be shorn to the quick in defence of the independence or honor of his country; while, if "you but touch a bristle of the manufacturing interest, the whole sty is in an uproar." We wish not to be placed under such protections, especially when their projects for safety are accompanied by the expression of the alarming sentiment, that they consider the election of a President, a Governor, or a Representative of the people, as uninteresting in comparison with a question on the fabrication of druggets, calico, and penknives.

The specious vision of supplying all our own wants by our own labor, and thus being enabled to isolate ourselves from the other members of the human family, we look upon as a mere phantom, conjured up for the purpose of luring us into a prohibitory system. Could such a vision be realized, we would deprecate its influence as equally hostile to the advance of science and the duration of liberty. We do not envy the condition of the Chinese, the only people completely abandoned to this chimera; amongst whom science has been retrograde for a thousand years, the whole energies of the human mind reduced to the servile talent of imitation, and man degraded to a state of abject grovelling slavery. Compare the timid slave creeping through shallows in his clumsy junk, with the American seaman "among the tumbling mountains of ice of the arctic circle, penetrating to the antipodes, and engaged under the frozen serpent of the South." "Yet we know that he has not been squeezed into this hardy form, or inhaled this daring spirit from the constraints of a watchful and suspicious Government, but that, through a wise and salutary neglect, a generous nature has been suffered to take its own way to perfection. We are firmly persuaded that the best interests of men and of nations are promoted by free and extensive intercourse one with another. The great object of nations ought to be, to procure the greatest possible quantity of produce with the least possible expenditure of labor and of capital. This can be effected only by permitting the people to purchase such articles as they can buy cheaper than they can fabricate. Thus would be produced a most unrestricted state of commerce, permitting every country to employ its capital and industry to the greatest advantage, in devoting them to pursuits adapted to the soil and climate of each, and consonant with the genius of their respective inhabitants.

For these, and other considerations equally cogent, your memorialists feel themselves constrained to remonstrate against the pretensions of the manufacturing interest, as of a highly dangerous tendency, whether considered with respect to their influence on our Government, by establishing the precedent of investing one class with peculiar privileges and immunities at the expense of the rest—a measure pregnant with the most fearful consequences, being as inconsistent with the prin-

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ciples of justice as incompatible with the spirit of our free Constitution; their tendency to demoralize our people, by the introduction of smuggling—an evil inseparable from high protecting duties, and one from which the united navies of Europe and America could not guard a coast as extensive as ours; or their effect on our revenue, already diminished by protecting duties, without producing any corresponding energy on the part of our manufacturers, and which, if further diminished by an increase of tariff, and by diverting capital from the purchase of public lands, must necessarily call for a system of internal taxation; in the present state of our affairs, productive of incalculable distress. Commerce must decline under such a system; with its decline our seamen must diminish; and our gallant Navy, after achieving more than our fondest hopes could anticipate, dwindle into insignificance. This sacrifice, too, we are called upon to make, that our manufacturers may be enabled to furnish us with cottons and woollens fifty per cent. higher than we could procure them in a foreign market.

With this view of the subject, your memorialists pray that no further protection be granted to manufactures, excepting such as in your wisdom you deem essential for national defence; and that the existing duties be so reduced, as to produce the greatest possible revenue. And we revert to our original prayer, to be left to ourselves to disembarass our own affairs, without being called on to repair the losses of any other class, still less to advance them to wealth and power at the expense of the best interests of the American people.

JOHN PEGRAM,
President of the Delegation.

EDMUND RAFFIN, *Secretary.*

PROTECTION TO MANUFACTURERS OF PAPER.

[Communicated to the Senate, January 18, 1820.]
To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Society of Paper Makers of the States of Pennsylvania and Delaware, respectfully sheweth, that at a time when the economy of the United States, in all its various branches of manufacture, presses itself upon the public attention by the extreme injury it sustains, your memorialists are impelled, by the deplorable state of that which they particularly represent, to ask for the patronage and assistance of the National Legislature.

Your memorialists believe there are some peculiar features in this manufacture which, if known, will entitle it to the attention of Congress. And they hope to be allowed to mention some general facts respecting the American manufactures which are needful to a full view of their own.

Your memorialists represent a manufacture which arose in these States at an early period of the settlement of the country—about the year 1730; and, being produced from the domestic

saving of a raw material which offered no interference to agriculture or commerce, they conceive has always been so much gained in favor of its economy and industry. The arts depending upon it render it necessary to almost every branch of improvement, as the printing of books, maps, charts, prints, newspapers, &c., which materially promote the extension of knowledge, the advancement of education, and the various purposes of the State.

In an object of such extensive consumption, we cannot avoid bringing into view the amount which must have been saved to the nation for a period of one hundred years by the use of a domestic material which must otherwise have been lost; and by the employment of the youth of both sexes in a manufacture which has been more productive than even agriculture itself; the importation of which would have required the country to pay large sums annually for the refuse materials and industry of foreign nations instead of its own.

The paper, in common with several of our manufactures, was protected previous to the Revolution by the general effect of the English laws in favor of its national industry; for, although they offered no encouragement to us to come into competition with manufactures abroad, they secured from general interference the benefit of our home market.

These domestic establishments were of great importance during the Revolution, when the importations ceased. The security arising from the war contributed much to their improvement, and continued after the peace of 1783, in consequence of the limited intercourse with Europe. During the long period of the European war many of our manufactures were preserved by the interruption to those of the Continent, and the heavy charges of shipment; so that from their first origin until the late treaty they experienced a virtual protection, and were prevented from being exposed to ruin by the effect of the laws made by foreign Governments to promote their commerce and the extension of their trade.

After this time an unlimited intercourse took place with distant nations, without regard to the important effects it would produce upon our domestic arrangements and economy; and it was not foreseen that when the policy of every nation of Europe prevented a use to us of their markets whenever our products come into collision with theirs, we were at all times exposed to an introduction of their manufactured articles, not for our regular wants, but as a vent for such goods as they might have in excess. This had an effect to paralyze the internal industry of the country in a manner never before experienced since its settlement; and it has placed us in the situation of several of the countries of Europe whose manufactures had become superseded by those of a rival nation which had acted under the patronage and encouragement of its own Government. This, without affording a regular supply, eventually creates dependence for necessities abroad, by the destruction of the productive objects of national wealth.

Your memorialists beg leave to represent that

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an effect of this kind is easily produced; for as manufactures become organized, the raw materials of the country are always enhanced by competition, and the prices of goods reduced so that they yield little more than a bare living; the economy of business then affording its chief emolument. Of course, an interference in the home market produces ruin to the regular establishments, by taking away the sale of the goods; creates in their place similar ones abroad, to supply the country; and subjects it in future to pay advantageous if not exorbitant prices, without affording a value to the raw materials of the country, or furnishing its labor.

It appears from the conduct of the nations surrounding us that this effect has been well understood, and they have found that the employment of the people in manufactures, with the aid of machinery, gives the means of buying from neighboring agricultural nations more agricultural products than the same number of people could raise on their own soil at home, and that the difference is again in favor of their national wealth. From this principle they have confined the people to the consumption of the manufactured products of the nation, in preference to buying those of a foreign one, even at a lower price; because the payment takes out of the country the full manufactured price, including both cost and profit; whereas, if the articles are made at home, the country receives all the profit of manufacture, which is so much added to its national stock; and though the consumer may pay something more for the domestic articles he may use in consequence of protecting duties, yet as these will not amount to the profit on the manufacture of the goods, the difference gained to the country is in favor of its improvement; and it is more than made up to the consumer in the benefit derived either in raising the materials, the employment of the people, the increase of industry, the benefit to agriculture, the circulation of money, or in the full use of all the natural advantages of the country.

While the introduction of manufactures prevents this injurious exchange, their establishment at home must increase a population to consume the product to great advantage.

The local situations for mills and factories occupy but little land fit for cultivation, and afford a market to the farmer, at his own door, for the articles of the easiest and most profitable description, which could not bear the expense of carriage; they give an immediate value to his property, to be paid in barter for his demands upon the manufacturer. The raw material, whether it be wool, iron, rags, leather, or wood, or the many wants a population requires, are new objects free from the expense of the labor of carriage, which takes place in transporting them to an uncertain sale in a distant market.

Your memorialists refer the application of these general remarks to their business. This has yielded from the factories within forty miles of Philadelphia a manufactured amount of eight hundred thousand dollars, a year, by which it has employed nine hundred and fifty persons, half of them wo-

men and children. This gives a product of near one thousand dollars per head per year, the material in this case being a clear gain. It is, therefore, a far greater amount than could possibly be obtained by the employment of the same people on the land. Now, as the nation would have to pay this amount for paper from abroad, it would have to send abroad the produce of at least four thousand people, employed upon the land to obtain it, even were the prices not raised in consequence of our dependence upon them.

The rising establishments of the country have suffered from the effect of the system pursued; and we believe, if they had been timely guarded in the manner they have been abroad, so as to take the advantage of their prosperity, they would have preserved their standing, and have been now a great support to the nation, to its agriculture, and to the Government.

A view of the progress of the manufacture abroad will give us an illustration of the principle.

"The art of making paper was brought from China into Persia in the seventh century, introduced into Spain, by the Arabs, the eighth or tenth; it passed into France and into Germany in 1312, and last of all into England, in 1320 and 1342."*

"Before the year 1690, there was scarcely any other kind of paper made in England but the coarse brown sort; but the war with France coming on, occasioning duties on foreign paper, the French Protestant refugees settled in England chiefly, and the English artificers also, began to make white writing and printing papers, which were brought to so great a perfection for beauty and elegance, as to supersede the importations of the continental papers into the British dominions. These, it was said, saved a remittance to France alone of one hundred thousand pounds sterling annually; and the country became able, in addition to the supply of its own wants, to export large amounts of papers to foreign markets, which had previously been supplied from the Continent."†

The protection which the manufactures have since received in England, added to the scientific skill of the people, has carried it to a higher degree of perfection than any other nation of Europe, so that they have had a general preference and afford one of her advantages of obtaining the products of other nations by the employment of her people.

The duty on papers taken into England has remained for a long time, by the tariff, at nineteen pence sterling per pound, and a drawback of three pence per pound is allowed on the export of her own paper, which is equal to the excise laid on that consumed at home; so that it appears the advantages derived from the employment of the people have not been retarded, even when in competition with the revenue.

But we have had to contend alike against the manufactures of England and those of the Continent; for while the improvements in this country

* Edinburgh Encyclopedia, article "paper."

† Rees's Encyclopedia, article "paper."

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required us to make paper of a superior quality, to compare with the English paper, we have had to do it under a competition with the prices of the low qualities of the papers from France, Spain, and Italy; which being excluded from England, were sent here, and obtained a sale from their cheapness, when their quality would not have commanded it.

We have been thus exposed to the collision of the interests of different nations from which their own laws severally protected them at home, and in one of which the export has been even promoted by a bounty. This would never have taken effect but among ourselves, and it affords at once a striking instance of the means used to export their surplus products, and to contend with each other for the advantage of a distant market. Nor have the various objects of the country been promoted by this competition.

The revenue obtained has not been considerable; for although large quantities of low priced paper, from France, Spain, and Italy, have been imported, so as to prevent the demands upon our factories, and to anticipate the consumption of the country very greatly, they have come in as objects of speculation, charged low to yield very little *ad valorem* duty; the collusion of duties being a leading motive for importing them.

Our commerce has not received much benefit, for papers which have been brought from the south of Europe have not given near so great an employ to our vessels as the same amount of capital invested in rags from thence would have done, if our paper manufacturers at home had been protected; for in this case the import of the manufactured paper would have been superseded by the rags, which would have been a great object of commercial attention.

Nor have our internal demands been usefully supplied. Paper is not only consumed for writing, but for books, maps, newspapers, prints, &c.; respectively requiring a particular style for the various orders, which these European papers could not meet, nor would have been used except from an extreme reduction of price; and they have in a measure retarded the advancement in our arts. When we place these considerations with that of their coming in direct interference with the whole system of our domestic industry and produce, the sacrifice of our improvement and labor with that of the very great expenditures and investments of mills, materials, and people, and every spirit of ambition to bring this business as an object under the security of a home market, we may fairly state the loss sustained not only to have been private but national.

Your memorialists, therefore, beg leave to call the attention of your honorable body to interpose for our relief.

We possess fully the means to supply the consumption of the United States with paper, the domestic saving of our own soil, which would otherwise be lost to the community, of a quality equal to that of any other country on earth, entirely adapted to every demand of use or elegance. That in a state of fair trade we will be able to ex-

port a considerable excess of manufactured paper to South America, and many other countries where the arts have not advanced as far as here. That, therefore, all foreign supply is not only unnecessary, but injurious. That it has offered not a fair rivalry, but to give overwhelming quantities of paper upon us, ordered upon speculation, and sold at auction, which has drawn off our wealth, and operated to the discouragement of the emulation and industry which would have arisen by the employment of our capitals at home.

The establishments which have been long in operation have afforded the public every advantage of competition, which has reduced the price of paper to the consumer as low as anywhere in the world; and were it even to advance, would tend to an improvement of the arts, and place them more on a footing with England and other nations, where printing, engraving, and other branches of science, tending to public education and improvement, are objects of national encouragement, from which the people derive so pre-eminent an advantage.

The district we represent offers, we think, a comparative view of the state of this manufacture in the country at large. In this there are erected seventy paper mills, which were in full operation until the importations after the late war; in these there were ninety-five paper vats, with a cost of establishments of about half a million of dollars, employing nine hundred and fifty persons at annual wages of two hundred and seventeen thousand dollars, consuming annually 2,600 tons of rags, value \$260,000, and producing about \$800,000 worth of paper a year; and from the causes we have mentioned we find now that there remain but seventeen vats at work, whose annual amount of wages is \$45,000, and production \$136,000; leaving unemployed seven hundred and seventy-five persons to seek other means of living, with a loss to the community of 2,128 tons of rags unconsumed, which would have produced a saving of \$212,000 in raw materials, and a manufactured amount of \$624,000.

Your memorialists cannot but state that the ruinous effects produced, as we have represented, would be as severely felt by the Government as ourselves, should it be found needful to rely upon national industry for support; and we cannot but bring into view the aid derived from the paper establishments, and the amount of the internal taxes collected during the war, when they were an availing source of income.

In this district, the mills then in active operation paid, at an average, two hundred dollars to two hundred and fifty annually, per vat; yielding together a revenue of twenty to twenty-five thousand dollars, when importations afforded none; and we conceive the Government may form an estimate of the loss to the country from that which the revenue would suffer between the income derived from ninety-five vats in full employ, and the aid afforded by the security of our home market, contrasted with that which would now accrue from seventeen vats existing under the depression from filling our market with the produce of foreign nations,

which has shut up seventy-eight vats, left our employers and workpeople embarrassed and dispirited, while we have given our resources, the natural basis of our own support, toward the establishment of business, and the creation of revenues in the hands of nations who are the rivals of the country in its domestic as well as political advantages.

Your memorialists believe they have given a candid statement of the facts which they have brought before you; they can only rely upon the wisdom of the Government to guard its national interests. They believe their cause to be mutually involved with that of their country; it remains with its Government to prevent the extension of the present, or the recurrence of future calamities. Their business cannot remain as it is now situated; its advantages have left us, and the shadow of it only exists. They truly believe a protection granted to them protects thus far the property of the nation; that the policy adopted by the other Governments in this case would secure the same results to us which it has done to them; that it would render us independent at home, would employ and enrich the nation, and would give us a surplus value to export in barter for the products of foreign countries, useful and necessary to our wants.

Your memorialists propose a duty of twenty-five cents per pound on all writing, printing, and copper-plate papers, and fifteen cents per pound on all others.

Your memorialists remain with great respect.

By order of the society.

MARK WILLCOX, *President.*

THOMAS GILPIN, *Secretary.*

PHILADELPHIA, January 15, 1820.

PROTECTION TO PRINTERS OF BOOKS.

[Communicated to the Senate, January 26, 1820.]

To the Senate and House of Representatives of the United States of America in Congress assembled:

The subscribers, inhabitants of the city of Philadelphia, beg leave to state that they are extensively engaged in the manufacture of printed books, a branch of business which has increased within a few years to such an extent as could not have been anticipated, and in which there is at this moment as much capital engaged as would suffice to answer the demand, were it to be increased to treble its present amount. As an evidence of this, they state the fact that there are no less than five Family Bibles, and numerous smaller Bibles and Testaments, kept constantly standing in type in this country; that a large Latin Dictionary has been recently stereotyped in Philadelphia, and an English one in New York; and refer also to the numerous extensive works lately published, or now in a course of publication, among which are Rees's, Gregory's, and Edinburgh Encyclopedias, the Edinburgh and Quarterly Reviews, Hume and Smollett's England, (three editions,) Gibbon's Rome, (two editions,) British Classics, British

Poets, Ramsey's Universal History, &c. &c.; and also to the circumstance that there are five type foundries in the United States, capable of producing types to almost any extent.

It has attained its present height without the aid of high duties (the highest, except during the war, ever imposed, being 15 per cent.,) and would not now require protection against importations regularly made; but the present state of affairs in Great Britain having lessened the demand for books there, many persons in that country have been induced to turn their attention to the United States, to obtain a vent for their publications.

In consequence, there are great quantities, and of very inferior quality, sent out for the purpose of being disposed of in this country by subscription, deliverable in numbers, by which method the purchasers are deluded into a belief that they are obtaining them at lower prices than they could be procured of domestic manufacture; whereas the contrary is the fact. These books are disposed of by hawkers, (all of whom are foreigners, and pay nothing whatever for the support of the General or State Governments,) who are traversing the whole country, and obtaining subscribers to a great extent; thereby destroying the business of the regular trader, whether manufacturer or importer. They are frequently shipped to this country in such a fraudulent manner as to be passed at the custom-houses for little more than waste paper; one part or volume of a work being shipped to one port, and the remainder to another, thereby defrauding the revenue of almost the whole duty; the books being appraised as imperfect, and therefore of little value.

Your memorialists believe that it can only be necessary to state the fact, that, from the best information they can obtain, there have been recently imported not less than seven or eight hundred thousand numbers of a Family Bible, (while at the same time there were, as before stated, not less than five Family Bibles, one of movable types, and four of stereotype plates, existing in this country, with a capital sufficient to supply almost ten times the present demand for that book,) to convince you of the necessity of adopting a system that will give protection to this branch of manufactures, without which there will be a most deleterious effect produced upon it, which will very seriously affect the type founders, paper makers, printers, manufacturers of leather, bookbinders, gold-beaters, engravers, &c.; in all of which branches the supply is, we believe, fully equal to the demand.

Your memorialists believe that when your honorable body take into consideration the powerful effect produced in enlightening the great body of the community by the quantity and cheapness of books, manufactured in this country, compared with what would have been the effect had we been dependent upon Europe for our supplies, burdened with the expenses of freight, &c., and also that every article made use of in this business is entirely of domestic manufacture, and the great number of persons whose support depends wholly upon it, you cannot fail to see the propriety of securing the home market to those citizens who have embarked

their capital in it, and who have displayed as much enterprise as any other part of the community, without exception.

Your memorialists, aware that you would feel indisposed to make any alteration that would be likely to be injurious to the cause of literature, and believing that their interests and those of literature are perfectly reconcilable, beg leave to propose a plan by which they believe both will be served. It is, that the present duty of fifteen per cent. on books be repealed; that, in lieu thereof, there be levied on them a specific duty of thirty-three and one-third cents per pound weight; and that, in order to give greater encouragement to the business of bookbinding, as well as to place the person who imports books in sheets, with a view of having them bound in this country, on an equal footing with those who import them bound, there be a duty of fifty per cent. upon the binding of whatever books are imported in that state.

This alteration will have the effect of excluding, almost entirely, the common articles, of which the means of production in this country are almost unlimited, and in the manufacture of which the competition is so great as to insure an ample supply at fair prices; and will, at the same time, admit at a fair rate of duty those books in the higher departments of literature and science, for which there is not yet a sufficient demand to warrant printing them. It will also have the effect, which is greatly to be desired, of preventing those frauds upon the revenue which have been practised to a very considerable extent, and will make all importers pay the same duty upon the same articles.

MATHEW CAREY, *and others.*

PHILADELPHIA, January 10, 1820.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES, &c.

[Communicated to the House, January 31, 1820.]

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

The undersigned memorialists, merchants and inhabitants of Salem, in the Commonwealth of Massachusetts, and of the towns in its vicinity, beg leave most respectfully to represent: That they have seen, with unfeigned regret and surprise, some propositions recently brought forward in Congress, and others advocated by respectable portions of the community, which, in their humble opinions, are calculated seriously to injure, if not eventually to destroy, some of the most important branches of the commerce and navigation of the United States. The memorialists have not the slightest intention of casting any imputation of unworthy motives upon those, from whom on this occasion they feel themselves compelled to differ in the most decided manner. They are ready to admit that many of those who were inclined to revive commercial prohibitions and restrictions, and to change some of the fundamental rules of our financial

policy, are governed by motives solely suggested by their own views of the national interest. They are free also to admit that the manufacturing interests of the country deserve to receive the fostering care and patronage of the Government. But while they make these admissions, they also beg leave to suggest that the interests of commerce are not less vital to the welfare and prosperity of the Union than manufactures; and that it never can be a sound or safe policy to build up the one upon the ruins of the other. Under a wise and enlightened revenue system, the commerce of our country has hitherto advanced with a rapidity and force which have exceeded the most sanguine expectations of its friends. This commerce has contributed largely to the employment of the capital, the industry, and the enterprise of our citizens. It has quickened the march of agriculture, and, by increasing the value as well as amount of its products, has given to the planter and husbandman a reward in solid profit for their toils. It has also materially sustained the credit and finances of the nation, by insuring a regular and growing revenue through a taxation scarcely felt, and cheerfully borne by all classes of our citizens. It has also given birth to our naval power, by fostering a hardy race of seamen, and patronizing those arts which are essential to the building, preservation, and equipment of ships. It has greatly enlarged, and the memorialists had almost said created, the moneyed capital of the country. And the memorialists believe, that it cannot be too frequently or deeply inculcated as an axiom in political economy, that productive capital, in whatever manner added to the stock of the country, is equally beneficial to its best interests. Its real value can never be ascertained by the sources from whence it flows, but from the blessings which it dispenses. A million of dollars added to the productive capital by commerce is at least as useful as the same sum added by manufactures.

The benefits of the commerce of the United States, which have been enumerated, are not deduced from theoretical reasoning; they are established by thirty years' experience, since the Constitution was adopted. At that time our capital was small, and had suffered for a series of years a continual diminution. Our agriculture was depressed, and our finances were embarrassed. The changes, which a thrifty commerce during this period has contributed to produce, are so striking, that they scarcely require to be stated. There is not a single portion of the country that has not felt its beneficial influence. On the seaboard we have everywhere flourishing towns and cities, the busy haunts of industry, where the products of our soil are accumulated on their transit to foreign countries. In the interior, hundreds of towns have arisen, which but a few years since were desolate wastes or dreary forests. The agriculture of the old States has grown up and spread itself into a thousand new directions; and our cotton and our wheat, our tobacco and our provisions, are administering to the wants of millions, to whom even our very name was but a short time ago utterly unknown.

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The memorialists would respectfully ask, if it be not a part of the duty of a wise nation to profit by the lessons of experience? Is it just, is it salutary, is it politic, to abandon a course which has so eminently conduced to our welfare, for the purpose of trying experiments, the effect of which cannot be fully ascertained, which are founded upon mere theoretical doctrines, at best complex and questionable, and it may be, in practice, ruinous as well to morals as to property? Suppose it were practicable to arrest the present course of commerce, to narrow its limits, and even reduce it to the mere coasting trade of the nation; is it clear that the capital, thus withdrawn from commercial pursuits, could be as usefully or as profitably employed in any other branch of business? It is perfectly certain that such a change must be attended with severe losses to the merchants, and with ruin to numerous classes of our citizens, to our seamen and shipwrights, and other artisans, whose business depends on, or is connected with, commerce. Cases may possibly arise in which the interests of a respectable portion of the community may be justly sacrificed; but they are cases of extreme public necessity, not cases where the rivalry and the interest of one class of men seek to sustain themselves by destruction to another. In a free country too it may well be asked if it be a legitimate end of government to control the ordinary occupations of men, and compel them to confine themselves to pursuits in which their habits, their feelings, or their enterprise, forbid them to engage. While the manufacturers are left free to engage in their own peculiar pursuits, enjoying in common with others a reasonable protection from the Government, the memorialists trust it is no undue claim on their own part to plead for the freedom of commerce also, as the natural ally of agriculture and naval greatness. Nothing, however, can be more obvious than that many of the manufacturers and their friends are attempting, by fallacious statements, founded on an interested policy, or a misguided zeal, or very short-sighted views, to uproot some of the fundamental principles of our revenue policy, and to compel our merchants to abandon some of the most lucrative branches of commerce—branches which alone enable us to contend with success against the monopoly and the competition of foreign nations.

It is not a little remarkable, too, that these attempts, to which the memorialists allude, are not only repugnant to those maxims of free trade which the United States have hitherto so forcibly and perseveringly contended for as the sure foundation of national prosperity, but they are pressed upon us at a moment when the statesmen of the Old World, in admiration of the success of our policy, are relaxing the rigor of their own systems, and yielding themselves to the rational doctrine, that national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity. May the memorialists be permitted to say, that it would be a strange anomaly in America to adopt a system which sound philosophy is exploding in Europe; to attempt a monopoly of the home market, and yet claim an entire freedom

of commerce abroad; to stimulate our own manufactures to an unnatural growth, by the exclusion of foreign manufactures, and yet to expect that no retaliatory measures would be pursued by other nations? If we are unwilling to receive foreign manufactures, we cannot reasonably suppose that foreign nations will receive our raw materials; we may force other nations to seek an inferior market for their productions, but we cannot force them to become buyers when they are not sellers, or to consume our cottons when they cannot pay the price in their own fabrics. We may compel them to use the cotton of the West Indies, or of the Brazils, or of the East Indies, or the wheat of the Mediterranean—an experiment in itself sufficiently dangerous to some of our most vital interests; but we cannot expect them to carry on with us a ruinous trade, when the profit is all on one side. Nations, like individuals, will pursue their own interests, and sooner or later abandon a trade, however fixed may be its habits, where there is no reciprocity of benefit.

There is another consideration which the memorialists would respectfully suggest, that is entitled, in their opinion, to great weight on questions of this nature; and that is, the dangers and inconveniences which fluctuations in the commercial policy of a nation unavoidably produce. The trade of a nation is of gradual growth, and forms its channels by slow and almost imperceptible degrees. Time and confidence, and protection and experience, are necessary to give it a settled course. It insinuates itself into the general commerce of the world with difficulty, and, when incorporated into the mass, its ramifications are so numerous and intricate, that they cannot be suddenly withdrawn, without immense losses and injuries. Even the temporary stoppage of but a single branch of trade throws thousands out of employment, and, by pressing the mass of capital and shipping which it held engaged in its service into other branches, it is sure to produce embarrassment and depression, and not unfrequently ruin to the shipholders and the merchants. Besides all this, men are slow to engage their capital in new pursuits. They have a natural timidity in embarking in enterprises to which they are not accustomed; and if the commercial policy of the nation is fluctuating, they feel so much insecurity in it that they are unwilling to yield themselves up even to prospects apparently inviting. No nation ever prospered in commerce until its own policy became settled, and the channels of its trade were worn deep and clear. It is to this state of things that the capitalist looks with confidence; because he may conclude that, if his profits are but small, they are subject to a reasonable certainty of calculation. Another state of things may suit the young and enterprising speculators; but it can never be safe for a nation to found its revenue upon a trade that is not uniform in its operations. The memorialists most sincerely believe that it is a sound political maxim, that the more free trade is, and the more widely it circulates, the more sure will be its prosperity and that of the nation. Every restriction, which is not indispensable for purposes of revenue, is a shoal

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which will impede its progress, and not unfrequently jeopard its security.

Having made these preliminary observations, which they cannot deem unworthy of the serious attention of the National Legislature, the memorialists now beg leave more particularly to call the attention of Congress to the measures which have been recently proposed, and apparently approved, for the purpose of prohibiting the introduction of foreign woollen and cotton goods, and, as auxiliary thereto, the abolition of drawbacks and credits upon the duties due upon goods imported into the United States; measures which, if adopted, will, in the opinion of the memorialists, bring a premature decay and a general distress upon the whole commercial and agricultural interests of the nation.

It has been suggested, both in and out of Congress, when measures have been heretofore proposed having a direct bearing upon commercial interests, that the silence of merchants ought justly to be considered as an acquiescence in the justice and policy of such measures. Truth compels the memorialists to say that the reverse has generally been the case. The merchants of our country have had a deep, and it is hoped not an ill-founded, confidence, in the firmness, the wisdom, and enlightened policy of Congress. They have not been prepared to suppose that old, and well-tryed, and successful systems would be abandoned, merely because they were assailed by those whose interest or whose mistaken zeal led them to plan their overthrow. They have believed (nor is it an idle or vain credulity) that our statesmen, selected from the whole community, would watch with anxiety and diligence over the interests of all; and that they would distinguish the natural biases of those whose judgments were blinded by a partial view of their own interests, from the just influences of superior political foresight, aided by the most comprehensive knowledge. On many occasions, therefore, in which their interests have been assailed, (and, as the memorialists think, injuriously assailed,) the merchants have been silent, not from indifference, but from confidence; not from a sense of propriety and justice, but from a proud belief that their interests were safe, when they were understood, and that the National Legislature could not be presumed to want knowledge or inclination to protect them. On the present occasion, however, so wide have been the exertions of the manufacturers, so plausible some of their statements, and so popular, though delusive, some of their doctrines, that the memorialists feel themselves called upon to resist them in the most serious manner, as injurious to the country, and to throw themselves upon the intelligence and firmness of the representatives of the nation to vindicate their rights.

The subjects of drawbacks and of credit upon duties are intimately connected in their general aspects, but, at the same time, admit of some distinct views, which may well entitle them to separate consideration. Both of them originated at the earliest period of our Government, and were incorporated into our first revenue laws. Both of

them had the unequivocal approbation of our most enlightened statesmen of that day, and both of them have the sanction of nearly thirty years of experience in their favor. At no period of our political history, until the present, has any doubt been publicly breathed, at least to the knowledge of the memorialists, of their practical advantages; and during this whole period our commerce has been progressively increasing. Almost all commercial nations, too, have a system analogous to ours ingrafted into their revenue regulations. In all, it is believed, a discrimination is made between goods imported for home consumption, and those designed for exportation; and the duties on the latter are very trifling, especially when compared with the duties usually paid on the former. In respect to credit for duties, the known equivalent is the deposit of the goods in entrepot, and the duties are only paid after a limited period, or upon an eventual sale in the domestic market. In Great Britain, to whose system of revenue ours bears the strongest resemblance, imported goods are warehoused under the joint direction and keys of the Government and the owner, and the duties are in general paid when they are disposed of in the market. This system of deposit is exceedingly expensive, and onerous, and complicated, and requires large stores in every commercial city, and numerous officers, and is attended with injurious delay. Its object is to give the benefit of credit to the merchant; and it has that effect, but it is at a heavy expense to the Government. In this country the same object is obtained, at a very small expense, in a much more simple way; and, where the officers of the customs act with prudence and vigilance, the risk of loss to the Government, from the non-payment of the bonds, given with sureties, for the duties, is small—very small, indeed—compared with the expense of the other system. In the district of Salem and Beverly, the whole amount remaining unpaid on bonds for goods imported, from the origin of the Government to the present time, deducting the debentures due and unpaid on the same goods, is but \$1,562 46; yet that district alone has furnished many millions to the revenue of the United States.

The fact, however, that in all foreign commercial nations, a credit is allowed for duties upon goods imported, and a drawback is allowed directly or indirectly upon exportation, seems to justify, in an eminent degree, the opinion that the system is useful to the public, and salutary to commerce. And the experience of this country is entirely in its favor. It may, then, with some confidence, be asked, why should it be changed? Why should we leave fact for conjecture, and hazard new experiments in cases where the great objects of the Government have been already attained? Why should we involve the immense manufacturing, agricultural, and other interests, connected directly with commerce, in distress or ruin, for the purpose of speculating in new schemes, ill adapted to the state of our country, and whose success is yet to be ascertained? It appears to the memorialists that it is incumbent on those who would lead the nation into such schemes, to de-

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monstrate their wisdom and policy before they are adopted; and not, by arithmetical calculations, bottomed on visionary notions, to call upon the nation to reject the lights already furnished by its own experience.

But it may, perhaps, be inquired, what are the benefits derived to commerce from a credit upon duties? The memorialists are perfectly willing to state some of the leading benefits, public as well as private; for in this, as in almost all the like cases, public and private interests go hand in hand.

It will not be denied that the United States, even at the present time, does not, when compared with the great nations in Europe, abound in moneyed capital. This is in almost every nation a subject of slow accumulation, even under circumstances peculiarly favorable to its growth; but in a young nation the obstacles are generally great, from the character and various pursuits of the inhabitants, the extent of their wants, and the rivalry and superior advantages for its employment presented by flourishing nations. At the time when the United States adopted its system of credits and drawbacks on duties, its moneyed capital was very small; and the great policy of the Government was to give every facility for its full employment. It is obvious that the more capital is employed in commerce, the more extensive will be its reach, and the more revenue will be acquired by the Government. Whatever of capital, naturally flowing in this channel, is withdrawn from it and remains unemployed, is so much lost to the commerce of the country. The duties upon the importation of goods are, on an average, at least twenty-five per cent. of the value of those goods, or of the capital employed. It follows that, if this is immediately withdrawn from the funds of the merchant, it is so much loss of his commercial capital. A little detail will render this apparent. Whenever a voyage is undertaken, the merchant invests as much capital as he thinks necessary for the purchase of the goods to be imported, and also as much more as will be necessary to meet all the disbursements and expenses of the voyage. All this is paid in advance. When the goods are imported, they are not immediately sold. The market may be depressed, or the goods be of slow consumption, or not be adapted to the wants of this country, or be ultimately destined for a foreign market. In these cases, (and these are common cases,) it is obvious that no immediate sale can be made without great sacrifices—sacrifices which are wholly inconsistent with any profitable commerce. Even when sales are effected, they are rarely made for cash. A credit is almost universally allowed to the purchaser, varying according to the nature of the commodity and the demand in the market, from four to eight, and even twelve months. Under such circumstances, if a cash payment is required for the duties, it is obvious that the merchant must either, in anticipation of this demand, gradually withdraw from his other business a portion of his capital equal to the duties; or he must divert an equal portion ready to be employed in another voyage; or he

must procure money upon credit from other sources, loaded with the payment of interest; or he must consent to make enormous sacrifices, by an immediate forced sale. If he be a prudent, cautious merchant, this very circumstance will operate to prevent him from employing his whole capital in commerce, lest he should be compelled to make ruinous sacrifices, or, by a mere temporary depression of the market, be exposed to the most painful embarrassments. It is with the express view of preventing this palsy upon commercial operations, that a credit upon duties has been allowed by the wise and great men who have hitherto governed our country; and this credit is carefully adjusted to the different portions of our trade, so as to form a credit equal, in a general view, to the time consumed and credit allowed before the merchant receives his money upon the sales of the goods upon which the specific duties have accrued.

In confirmation of this general statement, the memorialists would respectfully call the attention of Congress to the East India trade—a trade in which Salem has been long, and deeply, and successfully engaged; a trade, too, which, however, decryed by the misguided zeal of some, and the interested suggestions of others, has largely contributed to the revenue of the United States, and yields not in importance to any other branch of commerce. Voyages to the East Indies are undertaken at very heavy expense, and with proportionably large capitals. The goods that are brought home consist of articles either of such high prices, such slow consumption, or of such bulk and quantity, as require a considerable length of time before they can be sold at a reasonable profit, and the money actually realized upon the sale. The home market, too, for many of these goods, is so limited, that, ultimately, a re-exportation to Europe becomes indispensable; and, after a second voyage, thus undertaken, the proceeds find their way, by a circuitous remittance, to England; and then again, before the merchant can realize his funds, he must have notice of the remittance, and be able to sell his exchange at a reasonable rate in the market. It is not uncommon for cargoes designed for home consumption to remain on hand for six months, and sometimes a twelvemonth; and when sales are effected, the usual credit is from four to eight and twelve months. So that, even with the credit for duties allowed in this trade, it usually happens that the first and second instalments become due before the proceeds of the sales have been realized, and, not unfrequently, before the cargoes have been finally disposed of. Yet the duties on these voyages are exceedingly heavy, amounting, in some cases, to \$100,000; a sum which even our wealthiest merchants could not readily advance, and which would materially check even their commercial expeditions. It is not too much to declare that, in all probability, an abolition of the credit of duties would immediately occasion a diminution of the East India trade one-quarter part, and, of course, occasion a proportionate diminution of our revenue, and of employment to those whose bread is as hardly earned, and whose lives are as dear, and whose

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welfare is as important to the country, as those of the manufacturers, who seek to found their own fortunes upon the ruins of this commerce.

Some of the ill effects which would result from the abolition of this credit will be obvious to the most careless observer. There is no pretence to say that there is a superabundance of moneyed capital in our country. The universal opinion proclaims, in a manner too audible and too distinct to be misunderstood, that much of the public distress arises from a deficiency of capital. The first effect, therefore, of the abolition of this credit, would be a diminution of active capital engaged in trade, and yielding a profit. It would be hoarded up to meet the anticipated demands of the Government for accruing duties. The revenue would, as has been already intimated, immediately suffer. But other evils, of a still graver cast, would ensue. Men of small capitals could no longer engage in trade, and least of all in a trade where the voyages were long and the returns slow. Capitalists, and they alone, could successfully carry on the great branches of commerce; and in their hands it would become a monopoly, which they might wield and manage at their own pleasure. The young and enterprising merchants would be crushed in their attempts at competition, and would be compelled to navigate only in those narrow channels where trade almost stagnates, or yields a scanty subsistence. Another necessary result would be the enhancement of the prices of all foreign articles of domestic consumption. The merchant would charge an interest and profit upon every advance made to the Government in the shape of duties; and thus the consumer, upon whom all such charges ultimately fall, would pay these additional charges, together with the enhanced price, which a smaller importation, with an equal demand, would necessarily produce. These are evils of no ordinary magnitude; and it is confidently believed that no wise Legislature would introduce them upon mere speculations, thus taxing the whole for the conjectural benefit of the few.

In respect to drawbacks, some additional considerations seem necessary to be stated, inasmuch as the subject has been greatly misunderstood by some of those who advocate their abolition. The drawback of duties is allowed upon importations of goods into the country, which are re-exported within a year from the time of their entry. The object of the system is to increase the navigation and commerce of the country, by securing to our citizens a carrying trade, between distant and foreign nations, in commodities which are either unsuitable to our market, or of which a great surplus is imported. In every such case, the Government derives a direct revenue of two and one-half per cent. on the duties of the re-exported goods; this amount being always retained. This is a positive benefit to the Government. It is obvious that, if no drawback were allowed upon such re-exportation, no surplus beyond the consumption would ever be imported; for, upon such re-exportation, the goods would be loaded with the whole duty, and the merchant could not afford to sell them so cheap in the foreign market, by the full

amount of that duty, which would much exceed the whole profit reasonably to be expected upon the goods. Under such circumstances, the shipping and capital of foreign merchants would be exclusively engaged in the carrying trade, and all the benefits of an increased employment for our seamen, our shipwrights, and our ships, including freight and profits, would be entirely lost. This is stated upon the supposition that such a trade could not be carried on, except circuitously, and after an actual importation into the United States; and this is regularly true in respect to the whole trade with the British East Indies, with which we are not permitted to carry on any trade direct to Europe, but are compelled, by treaty, first to land the goods in the United States.

In respect to the other portions of the carrying trade, the abolition of drawbacks would immediately lead to a direct trade between foreign ports, whenever foreign nations would permit our merchants to engage in it. This would compel them to equip, repair, and man their ships in Europe, and thus to give all their disbursements in this great trade to foreigners. No goods would be imported into the United States, either from Europe or India, which were not indispensable for our consumption; and this diminished supply of the home market would increase speculation, and tend to produce, in a very great degree, alternating fluctuations from a depressed to a high market. Commercial adventures would be thereby rendered more hazardous and precarious, since the foreign market would be ordinarily cut off after an importation into the United States; and if, at any moment, the foreign market should happen to be so high as to justify an exportation, an artificial scarcity, far beyond what now can ever arise, would immediately ensue in the United States. The abolition of drawbacks would, in this view, operate as a direct tax upon the consumers in this country. It would diminish the productive revenue, and give a foreign character to our seamen and commerce, instead of concentrating both as their home in the bosom of the country. Nor should it be forgotten how highly important the carrying trade has hitherto been, and how much it has increased our moneyed capital. During the years 1802, 1803, and 1804, the drawbacks allowed, on an average of these years, considerably exceeded a quarter part of the duties secured to the Government; in the succeeding years, 1805, 1806, and 1807, they constituted more than a third of the whole duties. So that, on an average of these six years, the last three of which were the most prosperous years of our commerce, the carrying trade constituted nearly one-third of our whole foreign commerce. And although this carrying trade be now, from the general state of the world, somewhat diminished, yet it still remains one of the most lucrative branches of our commerce, and yields a steady revenue to the Government. Under this aspect of the subject, the memorialists would respectfully inquire whether the abolition of drawbacks would not be disastrous to the most important interests of our country, and dry up some of the best sources of our national glory as well as national wealth? Let it

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be considered, also, that the policy of all commercial nations has uniformly dictated the same course, and that drawbacks, or their equivalent, are uniformly held out as an encouragement to importations, and thus the supply is always kept considerably above the domestic consumption, and enterprise and industry are protected and rewarded. Will America be the first to abandon a policy by which she has so greatly profited? At the very moment when her commerce is gasping for life, from the accumulated competitions of foreign nations, zealous for their own interests, will she aid the blows aimed at its existence, and consign it to a premature destruction?

The next subject to which the memorialists would respectfully ask the attention of Congress, is a measure very pertinaciously and zealously advocated by manufacturers and their friends—they mean the entire prohibition, either directly, or by duties equivalent to a prohibition, of the importation of cotton and woollen goods. That the tariff of duties now existing is singularly favorable to manufactures, the memorialists had supposed would have been freely admitted. Whatever articles are useful for domestic manufactures pay but a trivial duty; whatever articles can be wrought here are loaded with a heavy duty, varying from fifteen to thirty per cent. ad valorem. The duty upon East India cottons is indeed enormous, and practically amounts to a total prohibition. The coarser fabrics of cotton in the British East Indies cost about six cents a square yard, and were formerly imported in large quantities into the United States, and supplied the poorer classes of citizens with necessary though humble clothing. The tariff directs all such cottons to be estimated at the cost of twenty-five cents per square yard, and levies upon them, therefore, a duty of one hundred per cent., or a sum equal to their original cost. During the years 1802, 1803, and 1804, the average imports from the British East Indies were about three millions and a half of dollars; of which a little short of three millions were goods paying ad valorem duties, being principally white cotton goods. In 1807, the goods paying ad valorem duties, imported from the same places, had increased to upwards of four millions of dollars. In the same year fifteen ships were employed in this trade from the town of Salem alone. In the past year two only have been so employed, and, for the four years last past, no cotton piece goods have been imported into this town for home consumption; the duty alone amounting to a prohibition. The sacrifice of this branch of our trade alone has very seriously affected the whole mercantile community engaged in East India commerce, and has nowhere been more sensibly or injuriously felt than in Salem. It has operated, too, as an excessive tax upon the poorer classes of the community, who have been compelled to buy domestic fabrics to supply their wants, at higher prices, which their narrow means could ill afford. It has also annually struck off from the revenue of the Government the whole duty upon seven-eighths of the importations of East India cottons; that proportion having been absorbed by the domestic consumption. The loss to

our ship owners, and seamen, and commercial artisans, has been proportionably great. And the memorialists cannot refrain from expressing their decided convictions, that this sacrifice was not called for by the public interests, but was a liberal indulgence granted for the exclusive benefit of the manufacturers, and pressed upon the nation by their importunate solicitations. However painful this measure was, it was borne in silence, under the hope that experience would one day establish the propriety of its repeal, and that the zeal of the manufacturers would be satisfied with the destruction of one branch of commerce, and the heavy duties imposed upon all others.

These expectations, however, have not been realized; and the memorialists now learn, with regret, that one sacrifice is to be demanded after another, and one prohibition heaped upon another, by the friends of manufactures, until all the sources of foreign commerce are dried up, and domestic manufactures sustained, by enormous bounties, absorb the whole moneyed capital of the nation. The memorialists would most respectfully, but most solemnly, protest against the policy and the justice of such measures.

And what are the claims, the memorialists beg leave respectfully to ask, of any class of our citizens, to throw such enormous burdens upon the other classes of the community? Is the agricultural interest nothing? Is the commercial interest nothing? Are the interest of the public and its revenues nothing? The cotton and woollen trade is already loaded with twenty and twenty-five per cent. duties; and if there be added the freight and charges upon importation, the domestic manufactures have now an encouragement of the profit of from thirty to thirty-five per cent. more than the European manufacturers possess, if the same art can be manufactured as cheap at home as abroad. In respect to the East India cotton trade, the encouragement is still more striking; the duties upon the coarsest fabrics in that trade amounting, as has been already seen, to one hundred per cent. upon the original cost. And if cotton and woollen goods cannot be manufactured here and sold as cheap, with all these differences of duty in their favor, does it not establish the conclusion that such manufactures are not the natural growth of our present situation, and are not adapted to the physical, and moral, and happy condition of the people? Why should the farmer, and the planter, and the merchant, and the mechanics, and the laboring classes of the community, be taxed for the necessities of life a sum equal to more than one-quarter part of their whole expenditures on these objects, that the manufacturers may put this sum into their own pockets?

The memorialists are no enemies to manufactures; but they most sincerely express it as their deliberate judgment that no manufactures ought to be patronized in the country which will not grow up and support themselves in every competition in the market, under the ordinary protecting duty; that the only manufactures which can ultimately flourish here are those which are of slow growth and moderate profit, such as can be carried

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on by capitalists with economy and steadiness; and that a change of system, which should suddenly introduce great profits, by encouraging undue speculation, and the expectation of inordinate gain, would end in the deepest injuries even to manufacturing establishments. The history of the cotton manufactories in New England completely demonstrates the truth of these positions. They grew up gradually, under the protection of our ordinary duties, in a time of peace, and were profitable to those engaged in them. But when the embargo and non-importation systems produced a deficiency in the foreign supply, a feverish excitement was produced; manufactories were established without sufficient capital; extravagant expenditures in buildings and machinery followed; for a while the demand was great, and the profits high, but, upon the return of the ordinary state of things, many of these establishments sunk, one after another, and involved their owners in ruin. And such, in the opinion of the memorialists, would be the scene acted over again in a few years, if the manufacturers could now succeed in accomplishing their present objects. For a short time their establishments would flourish; but in a free country like ours, there would be a reaction of the other great interests of the community, and the national distress and national policy would soon require a repeal of the monopolizing system. A moderate protecting duty is the best support of domestic manufactures, for the very reason that it may be safely calculated on as permanent. It may not encourage speculation, but it will encourage the employment of capital, as fast as safety and a reasonable profit are connected with it.

Nor will the high prices and eventual insecurity to domestic manufactures be the only evils attendant upon this prohibitory system. It will encourage smuggling and frauds to an extent truly formidable, and never yet practised in our country; and the same effect will arise, though in a more limited degree, from the abolition of drawbacks and credit on duties. The utter impossibility of suppressing frauds and smuggling, where the markets are very high, and the prohibitions very extensive, has been demonstrated by the experience of all Europe. During the most rigorous enforcement of the continental exclusion of British manufactures, aided by civil vigilance, and military bayonets, and despotic power, these manufactures found their way into every part of Europe, from the cottage to the throne. Great Britain herself, insulated as she is, and with a naval force adequate to every object, has not been able to suppress smuggling. Prohibited goods find their way into the United Kingdom, notwithstanding the vigilance of her custom-houses, and the unwearied jealousy of her manufacturers. In the United States, with a thousand miles of seacoast, indented with innumerable bays and harbors, how can it be reasonably expected that the temptations to illicit traffic will not soon outweigh the habits of obedience to the laws, especially when those laws shall become odious, as the supposed instruments of one class to oppress another? Hitherto our country has exhibited a spectacle not unwor-

thy of a free people. Frauds upon the revenue have been comparatively few; and smuggling has been repressed by the general sense of the mercantile community. What system could be more disastrous than that which should hold out permanent temptations to smuggling, connected with a sense of the impolicy and injustice of the laws? The memorialists believe that one of the first objects of legislation is to become auxiliary to the preservation of the morals of the people, by interfering as little as possible with pursuits consonant with their habits and feelings, lawful in their objects, and adapted to their wants.

Upon the whole, the memorialists would respectfully state their unequivocal opinion, that all the measures to which they have alluded are calculated to impair our naval strength and glory; to injure our most profitable commerce; to diminish, in an alarming degree, the public revenue; to promote unjustifiable speculation; to enhance the prices of manufactures; to throw the great business and trade of the nation into the hands of a few capitalists, to the exclusion of the industrious and enterprising of other classes; to introduce general distress among commercial artisans and agriculturists; to aggravate the present distress of the other classes of the community; to provoke and extend an undue appetite for fraud and smuggling; and, in fine, to destroy many of the great objects for which the Constitution of the United States was originally framed and adopted.

The memorialists, therefore, most respectfully ask the interposition of Congress to prevent these great evils, and to promote the general good, by a perseverance in that system, under the protection of which our commerce, and navigation, and agriculture have flourished; a system, conceived in political wisdom, justified by experience, and approved by the soundest maxims of national economy.

SALEM, January, 1820.

PROHIBITION OF FOREIGN COTTON AND WOOLLEN FABRICS, AND IRON.

[Communicated to the House, February 1, 1820.]

TREASURY DEPARTMENT, Jan. 27, 1820.

SIR: In obedience to a resolution of the House of Representatives of the 4th instant, directing the Secretary of the Treasury "to inform the House what reduction, in his opinion, it will make in the revenue, if the importation of cotton and woollen manufactures, and iron, be prohibited; and in what manner the deficit in the revenue may be supplied, should the prohibition be made;" I have the honor to submit statements of the amount of revenue which accrued from those articles from the year 1815 to 1818, inclusive.

The very great difference in the amount of revenue which accrued during those years renders it difficult to determine what the reduction would be, should the prohibition be enforced. It is probable that the deficiency, for a number of successive

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years, would amount to the average sum of six millions of dollars.

If an increase of the rate of duty would necessarily augment the revenue in the same proportion, the deficiency might be readily supplied. But reason and experience forbid the expectation of such a result, the importation of foreign merchandise is regulated by the capacity of the importing country to pay an equivalent for them. Any increase of duty diminishes this capacity. When carried to an extreme, it amounts to prohibition. But the revenue will frequently be diminished by an increase of duty, when the consumption of the article is not diminished. Whenever the duty is raised so high as to equal the risk incurred by an attempt to introduce dutiable articles illicitly, smuggling, upon an extensive and systematic plan, commences. In that case, not only their consumption, but the capacity to pay for them, may be increased, whilst the revenue may be diminished.

Considering the facilities which the extent of our coasts and frontiers, and the numerous harbors, bays, inlets, and rivers, by which they are indented, furnish for the illicit introduction of foreign merchandise, the settled policy of the Government has been to diminish, as far as practicable, the temptation which high duties would furnish to take advantage of these facilities. Should the existing duties be considerably raised, there is just ground to apprehend that the revenue will be reduced rather than augmented by the change. Indeed, there is just reason to believe that, with the present rate of duty, the practice of smuggling is gradually increasing. Any attempt to raise the deficiency which will be produced by the prohibition under consideration, by an increase of duty upon the articles which will still be imported, will greatly increase the expense of collection, by the necessity which it would create to employ a greater number of officers of the customs to guard against smuggling, and eventually fail to augment the revenue to the required extent. The principal reliance for supplying the deficiency which would be produced by the adoption of the measure contemplated by the resolution, must, it appears to me, be placed in a system of internal duties or direct tax.

In aid of either of these modes of augmenting the revenue, a small addition might be made upon the rate of duty now paid upon linens, manufactures of hemp, stuff goods, coffee, brown sugar, teas, wines, molasses, spices, and other small articles. If a system of internal duties should be deemed at this time advisable, an entire prohibition of ardent spirits might be adopted without material injury to the revenue, and with manifest advantage to the agricultural interest. In that event, the revenue which has been heretofore received from the duties imposed upon foreign spirits might be collected from domestic spirits.

I have the honor to be, sir, your most obedient servant,

WILLIAM H. CRAWFORD.
Secretary of the Treasury.

The Honorable SPEAKER
Of the House of Reps.

A statement of the duties arising on imported merchandise paying an ad valorem duty of twenty-five per cent. to the 30th June, 1819, of which woollens and cottons form almost the exclusive articles, for the years 1815, 1816, 1817, and 1818, with the amount of drawback annually paid on re-exportation.

| YEARS. | Amount of duties. | Amount of drawback. | Net amount of duties. |
|----------|-------------------|---------------------|-----------------------|
| 1815 - - | \$17,813,277 | \$189,768 | \$17,623,509 |
| 1816 - - | 11,013,142 | 981,791 | 10,031,351 |
| 1817 - - | 4,967,503 | 644,653 | 4,322,850 |
| 1818 - - | 6,753,008 | 534,307 | 6,218,701 |

NOTE.—The Treasury records do not afford any means of ascertaining the amount of duties, so as to distinguish woollens from the various descriptions of cottons, whether from India or Europe; nor of cotton yarns from cotton piece goods.

TREASURY DEPARTMENT,
Register's Office, Jan. 7, 1820.
JOSEPH NOURSE, Register.

A statement of the duties arising in the years 1815, 1816, 1817, and 1818, on the importation of articles of iron manufacture paying a specific duty, with the amount of drawback annually paid on their re-exportation.

| ARTICLES. | 1815. | | | 1816. | | | 1817. | | | 1818. | | |
|------------------------|-------------------|---------------------|-------------|-------------------|---------------------|-------------|-------------------|---------------------|-------------|-------------------|---------------------|-------------|
| | Amount of duties. | Amount of drawback. | Net amount. | Amount of duties. | Amount of drawback. | Net amount. | Amount of duties. | Amount of drawback. | Net amount. | Amount of duties. | Amount of drawback. | Net amount. |
| Anchors and sheet | 268,246 | 224 | \$65,219 | \$19,633 | \$292 | \$13,266 | \$2,004 | \$3,405 | \$2,904 | \$3,637 | \$602 | \$2,945 |
| Silt and hoop | 38,170 | 2,703 | 37,936 | 77,229 | 3,631 | 73,698 | 24,631 | 8,017 | 31,226 | 48,192 | 8,130 | 40,062 |
| Nails | 39,566 | 4,295 | 35,833 | 91,739 | 5,151 | 86,588 | 6,433 | 1,019 | 35,092 | 7,639 | 8,443 | 7,079 |
| Spikes | 4,295 | 1 | 4,295 | 14,387 | 1,117 | 13,270 | 1,019 | 5,579 | 3,579 | 92,319 | 11,025 | 81,294 |
| Bar and bolt, rolled | 195,158 | 4,395 | 190,153 | 52,023 | 24,686 | 27,337 | 6,127 | 23,722 | 23,722 | 213,274 | 4,295 | 208,979 |
| Bar and bolt, hammered | 150,251 | 2,948 | 147,333 | 461,663 | 26,273 | 435,095 | 257,572 | 43,254 | 214,288 | 48,902 | 4,140 | 189,148 |
| Fig and castings | - | - | - | - | - | - | - | - | - | 14,042 | 58 | 13,984 |
| Fig, rod, and hoop | - | - | - | - | - | - | - | - | - | 48,902 | 4,140 | 44,762 |
| Sheet, rod, and hoop | - | - | - | - | - | - | - | - | - | 48,902 | 4,140 | 44,762 |
| Total dollars. | 150,251 | 2,948 | 147,333 | 461,663 | 26,273 | 435,095 | 257,572 | 43,254 | 214,288 | 48,902 | 4,140 | 189,148 |

TREASURY DEPARTMENT, REGISTER'S OFFICE, January 7, 1820.
JOSEPH NOURSE, Register.

*Balances in the Treasury—Public Debt.***BALANCES IN THE TREASURY—PUBLIC DEBT.**

[Communicated to the House, February 3, 1820.]

TREASURY DEPARTMENT, Jan. 24, 1820.

SIR: In obedience to sundry resolutions of the House of Representatives of the 17th instant, directing the Secretary of the Treasury to report, first, the actual balances in the Treasury, and in the hands of the Treasurer, as agent of the Navy and War Departments, and the amount of any subject to the control of the Commissioners of the Sinking Fund, on the first day of January, 1820; second, the principles upon which the receipts into the Treasury from the sales of the public lands for the year 1820 have been estimated; and, third, what amount of the public debt will be redeemable, according to the terms of the contract, in the years 1820, 1821, 1822, 1823, and 1824; and what amount would be left of the Sinking Fund in each year respectively after payment of the interest of the public debt, and the portion of the principal which may be redeemable within the year; I have the honor to submit two statements, marked A. and B.

If the payments for public lands are made when they fall due, the greatest accuracy might be attained in estimating the receipts into the Treasury from the sales previously made. So far as the receipts would be affected by sales made during the year embraced by the estimate, it would necessarily be conjectural. But, as the purchasers are subject to no penalty for delay of payment until the expiration of five years from the date of the sale, except the payment of interest, a general want of punctuality everywhere prevails. The sums which ought to be paid at the end of the second, third, and fourth years, are more generally paid in the fifth year.

If the indulgence which, since the year 1809, has been uniformly extended to the purchasers of the public land, had not grown into a system, it would be practicable to determine with sufficient accuracy the amount of the receipts into the Treasury during any year, so far as they depended upon sales previously made, after the principal land offices had been opened for five years. The debt contracted by the purchase of lands in any given year would not materially differ from the sum

which would be receivable during the fifth year after it was contracted. But the frequent and general indulgence which has been extended to the purchasers of the public land has rendered the application of this rule for estimating the receipts into the Treasury from that source of the revenue entirely nugatory. The payment of interest is, in fact, under this system of indulgence, the principal inducement to the punctual discharge of the instalments as they become due, or at any later period. As the use of money is generally worth more than legal interest, where the payments are made, the want of punctuality will probably become more general. In estimating the probable receipts into the Treasury during the year 1820, more reliance has been placed upon the quantity of land which will within the year be offered at public sale, than upon the sums which may be payable during that period on account of sales previously made.

I have the honor to be, &c.

WM. H. CRAWFORD.

The Hon. SPEAKER of the Ho. of Representatives.

A.

Statement of the actual balance in the Treasury, and in the hands of the Treasurer, as agent of the War and Navy Departments, and the balance in the Treasury subject to the control of the Commissioners of the Sinking Fund, on the 1st day of January, 1820.

| | |
|---|--------------------|
| Balance in the Treasury | (a) \$2,536,823 28 |
| In the hands of the Treasurer as agent of the War Department | 995,945 13 |
| In his hands as agent of the Navy Department | 372,913 70 |
| Balance in the Treasury subject to the control of the Commissioners of the Sinking Fund | (b) 2,378,398 42 |

(a) This sum will probably be increased when the returns from all the receivers of public money, and of the banks in which they make their deposits, are received for the month of December. At the date of their last returns there were in their hands \$334,560 53, which sum would be augmented by the payments made during that month.

(b) Of this sum \$1,646,117 42 are applicable to the payment of that amount of Louisiana stock still outstanding, which was redeemable on the 21st October, 1819.

B.

Statement of the amount of the public debt redeemable in 1820, 1821, 1822, 1823, and 1824; exhibiting also the interest payable in and the balance of the annual appropriation of \$10,000,000 which will remain unapplied at the close of each year.

| | |
|--|----------------------|
| Balance of appropriation for 1819 unapplied in that year | - - - \$2,378,398 42 |
| Appropriation for 1820 | - - - 10,000,000 00 |

Principal redeemable in 1820:

Claims on account of the instalments of Louisiana stock payable in 1818 and 1819, unapplied for on the 31st

| | |
|---------------------------------|--------------------------|
| December, 1819 | - - - - - \$1,646,117 42 |
| Residue of Louisiana stock | - - - - - 2,216,462 77 |
| Six per cent. stock of 1796 | - - - - - 80,000 00 |
| Reimbursement of deferred stock | - - - - - 503,196 94 |

12,378,398 42

State of the Sinking Fund.

| | | | | | | | | | |
|--|---|---|---|---|---|---|-------------|----|-----------------|
| Total principal | - | - | - | - | - | - | \$4,445,777 | 13 | |
| Interest payable in 1820 | - | - | - | - | - | - | 4,911,843 | 00 | |
| | | | | | | | | | \$9,357,620 13 |
| Balance of appropriation which will be unapplied on the 31st December, 1820 | - | - | - | - | - | - | - | - | \$3,020,778 29 |
| Appropriation for 1821 | - | - | - | - | - | - | - | - | 10,000,000 00 |
| Principal redeemable in 1821: | | | | | | | | | |
| Reimbursement of the deferred stock | - | - | - | - | - | - | 534,033 | 08 | |
| Interest payable in 1821 | - | - | - | - | - | - | 4,773,737 | 68 | |
| | | | | | | | | | 5,307,777 76 |
| Balance of appropriation which will be unapplied on the 31st December, 1821 | - | - | - | - | - | - | - | - | 4,692,229 24 |
| Appropriation for 1822 | - | - | - | - | - | - | - | - | 10,000,000 00 |
| Principal redeemable in 1822: | | | | | | | | | |
| Reimbursement of the deferred stock | - | - | - | - | - | - | 566,588 | 75 | |
| Interest payable in 1822 | - | - | - | - | - | - | 4,741,182 | 01 | |
| | | | | | | | | | 5,307,770 76 |
| Balance of appropriation which will be unapplied on the 31st December, 1822 | - | - | - | - | - | - | - | - | 4,692,229 24 |
| Appropriation for 1823 | - | - | - | - | - | - | - | - | 10,000,000 00 |
| Principal redeemable in 1823: | | | | | | | | | |
| Reimbursement of deferred stock | - | - | - | - | - | - | 602,836 | 47 | |
| Interest payable in 1823 | - | - | - | - | - | - | 4,704,934 | 29 | |
| | | | | | | | | | 5,307,770 76 |
| Balance of appropriation which will be unapplied on the 31st December, 1823 | - | - | - | - | - | - | - | - | 4,692,229 24 |
| Appropriation for 1824 | - | - | - | - | - | - | - | - | 10,000,000 00 |
| Principal redeemable in 1824: | | | | | | | | | |
| Reimbursement of deferred stock | - | - | - | - | - | - | 356,858 | 93 | |
| Interest payable in 1824 | - | - | - | - | - | - | 466,267 | 31 | |
| | | | | | | | | | 5,023,126 24 |
| Balance of appropriation which will be unapplied on the 31st December, 1824 | - | - | - | - | - | - | - | - | 4,976,873 76 |
| Total amount of the annual appropriations of \$10,000,000 for the years 1820 to 1824, inclusive, which will, according to the terms of the contracts in relation to the redemption of the public debt, remain unapplied on the 31st December, 1824 | | | | | | | | | |
| | | | | | | | | | \$22,074,339 77 |

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January 22, 1820.*

JOSEPH NOURSE, *Register.*

SINKING FUND.

[Communicated to the Senate, February 5, 1820]

WASHINGTON, *February 5, 1820.*

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the board, subsequent to the last report of the 5th of February, 1819, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this board, dated the 4th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

JOHN GAILLARD, *President of the Senate, pro tem.*
 JOHN QUINCY ADAMS, *Secretary of State.*
 WM. H. CRAWFORD, *Secretary of the Treasury.*
 WM. WIRT, *Attorney General.*

The Hon. PRESIDENT OF THE SENATE.

The SECRETARY OF THE TREASURY respectfully reports to the Commissioners of the Sinking Fund:
 That the sums disbursed from the Treasury, during the year 1818, on account of the principal and interest of the public debt, as per last annual report, was - \$21,596,783 68
 From which deduct amount of repayments in that year - 300,477 64
 \$21,296,306 04

State of the Sinking Fund.

| | |
|---|------------------------|
| Which, with a sum arising from damages and interest on protested bills of exchange, being the difference between the cost of said bills at par and the amount received into the Treasury in repayment thereof | (a) 33,752 06 |
| Together with a further sum, being the difference between the principal of stock purchased during the year 1818, and the money paid for the same | 4,708 14 |
| Amounting, together, to | <u>\$21,334,766 24</u> |

Have been accounted for in the following manner, viz:

The sums actually applied during the year 1818, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, amounted, as appears by the annexed statement A, to the sum of

| | |
|--|----------------------|
| In the reimbursement of the principal of the old 6 per cent. and deferred stocks | 1,191,933 51 |
| In the redemption of the domestic debt | 277,493 87 |
| In the redemption of the Louisiana stock | 4,856,700 00 |
| In the payment of the principal of Treasury notes | 8,426,769 00 |
| In the payment of certain parts of the domestic debt | 792 36 |
| | <u>14,753,688 74</u> |
| On account of the interest | \$6,011,388 67 |
| On account of charges | 4,926 31 |
| | <u>6,016,314 98</u> |
| | <u>20,770,003 72</u> |

But of this sum there was short provided, consisting of unclaimed dividends on the public debt, not applied for by the proprietors, as per the annexed statement B.

| | |
|---|------------------------|
| | 128,427 69 |
| | <u>20,641,576 03</u> |
| The funds in the banks, out of which a part of the interest which accrued on the funded debt for the year 1817 was paid, and which appeared to be short provided, per statement B of last year, was covered by warrants in 1818 | 693,058 45 |
| And there was a loss on exchange in remittances from America to Europe during the year 1818, as appears by statements D and Dd, annexed to the last report | 131 76 |
| | <u>\$21,334,766 24</u> |

| | |
|---|--------------------|
| (a) Payment by Minturn and Champlin, per statement E of last year | \$20,506 46 |
| Cost of bill for £4,000 sterling | 17,777 78 |
| | <u>\$2,728 68</u> |
| Payment by A. Brown and Brown and Hackman, per statement E of last year | 44,380 38 |
| Balance due by them for the cost of two bills, per note a to statement G, accompanying report of February, 1818 | 13,357 00 |
| | <u>31,023 38</u> |
| | <u>\$33,752 06</u> |

That, during the year 1819, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt:

| | |
|---|-----------------------|
| On account of the interest on the funded domestic debt and reimbursement of the principal of the deferred stock | \$5,508,493 03 |
| On account of the principal and interest of Treasury notes | 82,220 29 |
| On account of the redemption of the Louisiana stock | 1,419,285 42 |
| Whereof, in payment of stock purchased | \$203,835 69 |
| In payment of instalments 21st October, 1818 and 1819 | 1,215,449 73 |
| | <u>\$1,419,285 42</u> |
| On account of the interest on the same, payable in Europe | 206,264 48 |
| On account of the redemption of the domestic debt | 504,693 42 |
| On account of certain parts of the domestic debt | 64 32 |

Making together, as will appear by the annexed statement C, the sum of

\$7,721,020 96

State of the Sinking Fund.

| | |
|--|-----------------------|
| Which disbursements were made out of the following funds, viz : | |
| From the annual appropriation of \$10,000,000, for the year 1819, agreeably to the second section of the act to provide for the redemption of the public debt, passed the third of March, 1817 | \$7,621,605 58 |
| From repayments into the Treasury on account of moneys heretofore advanced for the purchase of bills of exchange, and for the payment of interest and reimbursement of the funded debt | 17,199 09 |
| And from the appropriation in relation to Treasury notes, being the amount of payments on account of the principal and interest thereof, per statement C, above recited | 82,220 29 |
| Making the amount paid on warrants, as above stated | <u>\$7,721,020 96</u> |
| And have been accounted for, as far as respects the redemption by purchase of the public debt, under the act passed the 3d of March, 1817, and as is exhibited in statement I, annexed, and which is rendered as a part of this report : | |
| Stock purchased \$711,957 55, cost | \$665,982 73 |
| The residuary balance of | 7,055,038 23 |
| | <u>\$7,721,020 96</u> |

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to this Department.

In the mean time, the manner in which the said balance has been applied is estimated as follows : There is estimated to have been applied to the payment of the deficiency of the provision, at the end of the year 1818, as per statement B

| | |
|--|---------------------|
| Also, in the reimbursement of the deferred 6 per cent. stock | \$485,334 58 |
| Also, in the payment of the principal of Treasury notes | 80,000 00 |
| Also, towards the redemption of the Louisiana 6 per cent. stock, (a) | 1,215,449 73 |
| Also, in payment of certain parts of the domestic debt | 64 32 |
| | <u>1,780,848 63</u> |
| And in payment of interest on the funded debt and Treasury notes | 5,186,892 96 |
| | <u>6,967,741 59</u> |

In the next annual statement the repayments in 1819 will be exhibited as a deduction from the total amount of warrants issued for the public debt in that year, and of which this forms a part, to the amount of

| | |
|--|---------------------|
| And there is estimated as remaining unapplied in the hands of the agents in Europe, and in protested bills, on the 1st of January, 1820, as per estimate G, the sum of | 17,199 09 |
| | <u>64,232 12</u> |
| | <u>7,049,172 80</u> |

| | |
|--|-----------------------|
| From which deduct this sum short provided, on account of unclaimed dividends payable but not demanded at the Treasury, (by estimate) | 122,562 26 |
| | <u>6,926,610 54</u> |
| | <u>\$7,055,038 23</u> |

| | |
|---|-----------------------|
| (a) The amount payable in 1819, on account of the Louisiana stock | \$2,861,567 15 |
| Whereof, on application for payment, warrants were issued for | 1,215,449 73 |
| | <u>\$1,646,117 42</u> |

That, on the 21st of October, 1820, the last instalment of the Louisiana stock, amounting to \$2,216,462 77, will be payable.

That, in compliance with the sixth section of the act of the 3d of March, 1817, for the redemption of the public debt, the certificates which, by payment or purchase, have become the property of the United States, are regularly cancelled.

A statement marked H is annexed, which exhibits the amount of the debt on the 1st of January, 1820.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, February 4, 1820.

[The tabular statements of details, which are voluminous, are omitted.]

REMONSTRANCE AGAINST A CHANGE IN THE REVENUE SYSTEM.

[Communicated to the Senate, February 8, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The undersigned, merchants and inhabitants of Baltimore, beg leave to present to your honorable body the sentiments which they anxiously entertain on the proposed measure of discontinuing credit on import duties and denying drawbacks on duties.

Your memorialists contemplate the proposed change with concern; and they would, indeed, view any such projected innovation with alarm if they did not believe that the mercantile interest is under watchful and wise control in your honorable body. A lenient system of imposts on foreign commerce is, in the opinion of your memorialists, not only conducive to active commerce, but also favorable to the public revenue: and under such a system the commerce of the United States has flourished, and the national Treasury has been enriched. For a course which hitherto has richly and faithfully answered every object of the laws, and every demand which the fiscal policy has made upon commerce, it is now proposed to substitute a system at once experimental, harsh, and precarious. Under the existing terms of the collection of duties, the United States have surely experienced but little cause for discontent; and your memorialists can, with the most confident anticipation, declare, that fewer evasions of law and fewer defaults in payment have taken place under the present system than what will occur under the rigid and peremptory conditions to which that system is proposed to be contracted. The exaction of duties hitherto, on principles liberal and prudent, and gradual and gentle in its operation, has afforded to industrious commercial enterprise the patronage which judicious policy owes to it. Such a patronage is vitally due to it in a country whose energies are excited and cultivated by commerce, whose power is in so great a degree the fruit of commerce, whose rank among nations owes to it so much of its elevation. The policy which pervades our present code of duties contemplates and adopts meritorious enterprise as part of the national wealth, and, viewing a free and extended commerce as the most bountiful source of revenue, and surest means of power, does not consecrate the field of commerce to the capitalist, and make it the monopoly of the rich.

The policy which now dignifies our system of duties assumes that principle of sterling truth, that all duties on imports are taxes on consumption; and hence, how fair and important is it that some time should be granted to the importer to convey to the consumer the articles of importation. Not only the custom, but the very nature of commerce requires, in almost every instance of sale, that at least some term of credit shall be afforded to the purchaser; and hence, some period must be allowed to the importer to levy the tax for the United States, and some estimate ought to be

made by our system of revenue of the delay of sales. In few or no cases does the credit on the duty exceed the period within which the capital can be realized, or recovered from suspense.

In the terms of those duties upon which a drawback is paid, the principle to which your memorialists allude appears to receive a more distinct and marked respect. The duty originally charged is there only contingent upon the stay and consumption of the articles in the country, and the term of credit there extended by the United States is the period to the importer for ascertaining whether they shall be appropriated for consumption or exported to a foreign quarter. Duties in these cases being thus contingent in the eye of our revenue policy, a credit is here not so much an indulgence to the importer as a necessary sequel from the nature of the duty. Must, then, all principle be here violated, and the intolerable severity be here prescribed by Government to the importer, that he shall enjoy no credit, however natural and essential an attendant it be on the duty charged against his importation? Your memorialists do believe as a maxim, safe as a guide, and propitious wherever it is applied, that not only by the dictate of the law, but, in every construction of policy, duties are emphatically a lien on the articles subjected to them; they attach to them, and should be gathered from them.

Where, in the collection of duties, the United States surrender to the importer the specific articles, their claim against him is not then embarked upon the conscience or substance of the individual importer; but two additional pledges are involved in the responsibility. Their means are bound, and the assurance of their character is given, all tributary to the demand of the United States. Interwoven with this strong defence, is that preferred claim which the United States has against the property of its debtor, a supreme prerogative lien, which thus furnishes a security calculated to elevate the United States almost above the danger of loss. The necessity which binds every importer to give to the Government such a security, while their discretion in considering it is unrestricted, would seem to be a sufficient guard against all importations destined for sacrifice, or to aid any wanton schemes of private finance; and your memorialists can scarcely imagine that, for premeditated sacrifice, any goods have been imported into this country. Your memorialists cannot conceive that, where a three-fold security, in fortune and commercial reputation, is required by the United States, as preliminary to the credit on duties, the indulgence of credit could prompt or facilitate any importations not in the course of honest industry. Commerce always tends to extremes; excesses of trading occur under all systems and in the freest periods of commercial prosperity. But if importation does sometimes swell until business stagnates, commerce has a power of self-correction and the resource of self-recovery, and reverses soon allay the intemperate ambition of gain.

Your memorialists need not, however, dwell upon the inherent energies of commerce, and its ebbs and flows; nor show how certainly, by the salu-

Remonstrance against a change in the Revenue System.

tary force of experience and competition, it is soon shorn of all inordinate adventure, built upon desperate or fanciful speculation. The present system of duties, although its indulgence, or rather its equity, is so necessary an auxiliary to the small commercial capital of the United States, has connived at and contributed to none of the irregularities of our commerce. All that have occurred may be explained by the late history of Europe, or traced to the very spirit of commerce itself, since fluctuation and irregularity are inseparable from its life and motion. Restriction may make commerce of smooth and uniform surface, but it cannot be so without being sluggish and shallow; and until commerce be so tamed by restriction and embarrassment, and become the privilege of the wealthy, it will be subject to irregularity and this inequality of character. Young as our country is, and far from being endowed with abundant commercial capital, the necessary consequence of the proposed alteration in the payment of the duties will be to consign commerce to the grasp of a few, expelling from the franchise of commerce, as it will, those who have but moderate means, although they be annexed to character and enterprise. This revolution in our revenue system will limit commerce to the circle of the capitalists; and commerce, the basis and pride of our fame, will dwindle into the diminutive condition, and fade into the pitiful character of a monopoly! Witness the fate of Spain! What if goods do now occasionally accumulate inordinately, and if regular calculating industry sometimes suffers by the careless sacrifices made by wanton speculators; will not the consumer, the whole mass of society, be subjected to severe and painful terms under the new system? Is there not more enormity in the danger that exorbitant prices will then be dictated by the select importers than ground of rational regret that prices have sunk while the existing system has prevailed? This is one of the sure results of the proposed change, and, though there be a pause in business now, commerce will ever be partial and inadequate then.

There is, indeed, one palliative against all restrictions which press on the very nerve of commerce, and, though the refuge be a profane one, your memorialists appeal to human nature, and the history of the commercial world, whether it be not certainly and invariably the resource, where commerce is severely confined. Your memorialists here allude to the practice of smuggling; and they make this allusion not only under perfect conviction, but with feelings of alarm. Your memorialists call on your honorable body to consider how far the universal fidelity of this country to the revenue law has been commensurate with the interest of the mercantile community, and with their sense of justice; and, though your memorialists do not mean to identify mercantile virtue with interest, yet, with many, even the justice of Government is measured by calculations of interest! Your memorialists beg you to reflect whether the proposed severity will not instigate delinquency; whether the revenue laws will not, in many instances, be evaded, with all the serious consequences of such

criminality, not only to the national morals, but also to the national Treasury.

Unless the United States can make a discrimination in the amount of duties between citizens and foreigners, no change in the terms of payment can ever exclude foreigners from competing with citizens, whenever such privileges belong to them. But they enter into the crowd of competition, and competition always regulates its own wholesome extent. Your memorialists on this point think it indisputable that the introduction of foreign capital into our country, by this foreign participation in our trade, has been of essential benefit—an important aid in the present inadequate amount of our own commercial capital.

Your memorialists beg you to reflect earnestly and feelingly on the subject of discontinuing drawbacks on duties, and to remember that the advantage of drawback is emphatically our license for conducting a carrying trade. It is to the benefits of this branch of trade that the United States principally owes all that rapid advancement which is at all attributable to commerce, and to this that it has hitherto been indebted for its pecuniary abilities. To extinguish drawbacks is at once a sentence of banishment against American merchants from a commercial sphere of the greatest national and individual profit. If the United States thus deprives us of all that remains to us of our former greatness in this branch of commerce, but a miserable fragment of commerce will continue to the American people! To abolish drawback will have this fatal effect; for what shall we meet but inevitable loss, if we venture into the competition of a foreign market with goods loaded with the gross duty, of which, by the judicious policy of our present system, we are now disencumbered? The question of drawback is indeed a vital question, and involves the vocation and prosperity of thousands whose pursuits, during a long and brilliant lapse of time, have been tributary to the treasure and renown of the Union.

When your memorialists consider that the present system of duties has pressed leniently upon American commerce, and has yet been richly and faithfully productive to the United States; when we consider that the proposed change of making duties payable in cash will imprison commerce within the limits of a dictatorial monopoly, whose members will by their wealth be constituted the representatives of the once universal American commerce; when we consider that the consumers, the great body of society, will be subjected to oppressive terms, which give an unfair proportion to their labor and their relation to the Government—when all this is, to the minds of your memorialists, the certain offspring of this paralyzing change, your memorialists ask you, not only in justice but humanity—not as the patrons of commerce, but as friends of your country—to forbear from this innovation.

Your memorialists, viewing the abolition of drawbacks as an excommunication from a trade which yielded so much to enrich and distinguish us, and which, in many points, does not in the remotest degree conflict with any imaginable

Public Receipts and Expenditures.

views of domestic policy, cannot but consider the discontinuance of drawback as a useless privation to the United States of commercial benefit, and a work of ruin to the individuals who depend on that trade which is fostered by the indulgence of drawback.

ISAAC McKIM, *and others.*

RECEIPTS AND EXPENDITURES.

[Communicated to the House of Representatives, February 16, 1820.]

DEPARTMENT OF STATE, *February 7, 1820.*

SIR: In obedience to a resolution of the House of Representatives of the 6th of January last, directing the Secretary of the Treasury to lay before the House "statements of the receipts and expenditures of the United States, from the commencement of the Federal Government until the 31st of December last, distinguishing the revenue derived from customs, internal taxes, direct tax, postage, public lands, and miscellaneous sources; and, also, classing the expenditures under the following heads: military, viz., pay and subsistence of the army, fortifications, ammunition, arms, arming the militia, detachments of militia, services of militia, services of volunteers; Indian Department; Naval Department; foreign intercourse; civil list; miscellaneous civil expenses; Revolutionary pensions; other pensions; exhibiting an aggregate of the receipts and expenditures for each year separately," I have the honor to submit the enclosed letter and statements from the Register of the Treasury, which give the information required.

I have the honor to be, your most obedient servant,

WM. H. CRAWFORD.

HON. SPEAKER of the House of Representatives.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February 4, 1820.*

SIR: I have the honor to transmit, herewith, a statement formed in pursuance of a resolution of the House of Representatives of the United States of the 6th ultimo, with accompanying documents, marked A, B, and C.

| | | |
|--|-----------|----------------------|
| The receipts into the Treasury, from Customs, have been | - - - - - | \$318,738,161 02 |
| Internal revenue | - - - - - | 21,715,964 85 |
| Direct taxes | - - - - - | 12,560,130 45 |
| Postage of letters | - - - - - | 1,081,618 15 |
| Sales of public lands | - - - - - | 18,287,828 03 |
| Miscellaneous | - - - - - | 2,005,331 24 |
| | | <hr/> 374,389,033 74 |
| The receipts from foreign and domestic loans, as per statement A, amount to | - | 143,314,753 74 |
| | | <hr/> |
| Total receipts to the 30th June, 1819, the latest period to which the Treasurer's account is settled at the Treasury | - - - - - | \$517,703,787 48 |

The expenditures are stated, viz:

| | | |
|---|-----------|------------------------|
| Pay and subsistence of the army | - - - - - | \$64,907,056 72 |
| Pay of deranged officers and discharged soldiers | - | 1,200,000 00 |
| Gratuities and travelling expenses to discharged soldiers | - | 70,000 00 |
| Forage | - - - - - | 1,192,892 78 |
| Clothing | - - - - - | 11,464,535 17 |
| Bounties and premiums | - - - - - | 4,684,636 48 |
| Medical and hospital department | - - - - - | 1,381,452 39 |
| Quartermaster's department | - - - - - | 16,834,434 39 |
| Contingent account | - - - - - | 2,790,182 80 |
| Miscellaneous | - - - - - | 485,967 91 |
| | | <hr/> \$105,011,158 64 |

For fortifications, viz:

| | | |
|---|-----------|---------------------|
| Fortifications of ports and harbors | - - - - - | \$4,374,805 26 |
| Fortifications, arsenals, magazines, and armories | - | 2,729,512 76 |
| Fortifications | - - - - - | 3,678,721 30 |
| Defensive protection of the frontiers | - - - - - | 1,270,029 83 |
| | | <hr/> 12,053,069 15 |

Banks and the Currency.

| | | | | | | | | | | | |
|------------------------|---|---|---|---|---|---|---|---|---|---------------|----|
| Ammunition | - | - | - | - | - | - | - | - | - | \$217,425 | 90 |
| Arms | - | - | - | - | - | - | - | - | - | 9,061,095 | 53 |
| Arming the militia | - | - | - | - | - | - | - | - | - | 2,020,000 | 00 |
| Detachment of militia | - | - | - | - | - | - | - | - | - | 170,000 | 00 |
| Services of militia | - | - | - | - | - | - | - | - | - | 6,308,377 | 73 |
| Services of volunteers | - | - | - | - | - | - | - | - | - | 1,090,000 | 00 |
| | | | | | | | | | | \$135,931,126 | 95 |

Indian Department, viz :

| | | | | | | | | | | | |
|------------------|---|---|---|---|---|---|---|---|---|------------|----|
| Indian supplies | - | - | - | - | - | - | - | - | - | 2,615,429 | 46 |
| Treaties | - | - | - | - | - | - | - | - | - | 1,562,621 | 51 |
| Trading houses | - | - | - | - | - | - | - | - | - | 523,701 | 79 |
| | | | | | | | | | | 4,701,752 | 76 |
| Naval Department | - | - | - | - | - | - | - | - | - | 65,932,670 | 32 |

Foreign intercourse, viz :

| | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|-------------|----|
| Expenses of foreign intercourse, exclusive of Barbary Powers, and including the sum of \$6,389,263 47 paid under the convention with Great Britain of the 8th of January, 1802, and with France of 30th April, 1803, - - - - - | | | | | | | | | | | |
| Barbary Powers | - | - | - | - | - | - | - | - | - | 12,003,988 | 73 |
| | | | | | | | | | | 2,651,545 | 84 |
| | | | | | | | | | | 14,655,534 | 57 |
| Civil list, including the sum of \$24,030 19, the amount of annuities and grants | - | - | - | - | - | - | - | - | - | 19,381,963 | 83 |
| Miscellaneous civil expenses, including the sum of \$43,493 71, the amount of annuities and grants | - | - | - | - | - | - | - | - | - | 16,352,960 | 78 |
| Revolutionary pensions | - | - | - | - | - | - | - | - | - | 300,000 | 00 |
| Other pensions | - | - | - | - | - | - | - | - | - | 3,253,245 | 38 |
| | | | | | | | | | | 260,509,263 | 59 |
| To which add the expenditures in relation to the payment of the interest and charges on the foreign loans, and principal of the foreign and domestic debt at the Treasury of the United States, and by the commissioners abroad, as per statement B, - - - - - | | | | | | | | | | | |
| | | | | | | | | | | 252,741,575 | 80 |
| And the expenditures on account of the Revolutionary Government, as per statement C, - - - - - | | | | | | | | | | | |
| | | | | | | | | | | 316,268 | 70 |
| | | | | | | | | | | 513,567,108 | 09 |
| | | | | | | | | | | 4,136,679 | 39 |
| | | | | | | | | | | 517,703,787 | 48 |
| | | | | | | | | | | 517,703,787 | 48 |

Similar statements having heretofore been rendered, under dates of 31st March, 1810, 24th December, 1812, and 20th January, 1816, by orders of the House of Representatives of the United States, those now formed are a continuation in the same form, and only vary in a distribution of expenditure to objects which had, in some instances, been incorporated under the general head of military establishment, particularly in the recent call of the House to distinguish the Revolutionary and other pensions.

For the purpose of exhibiting the expenditures for the whole of the year 1819, those from 1st July to 31st December are added at foot, subject to variation in the settlement of the Treasurer's accounts to the 31st December, 1819. It was found that we could not render the receipts to a later period than the 30th June last.

I have the honor to be, sir, your most obedient servant,

JOSEPH NOURSE, *Register.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

[The accompanying tables, showing the details, being voluminous, are necessarily omitted.]

BANKS AND THE CURRENCY.

[Communicated to the House of Representatives, February 24, 1820.]

TREASURY DEPARTMENT, *February 12, 1820.*

SIR: In obedience to a resolution of the House of Representatives, passed on the 1st of March, 1819, directing "the Secretary of the Treasury to transmit to Congress, at an early period in the next session, a general statement of the condition of the Bank of the United States and its offices, similar to the return made to him by the bank; and a statement, exhibiting, as nearly as may be practicable, the amount of capital invested in the different chartered banks in the several States and the District of Columbia, the amount of notes issued by those banks and in circulation, the pub-

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lic and private deposits in them, the amount of loans and discounts made by them and remaining unpaid, and the total quantity of specie they possess; and, also, to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of gold and silver coin in the United States, or to supply a circulating medium, in place of specie, adapted to the exigencies of the country, and within the power of the Government," I have the honor to submit the subjoined report and statements.

Statement A exhibits the condition of the Bank of the United States and its offices on the 30th of September, 1819.

Statement B exhibits the amount of bank capital authorized by law during the years 1814, 1815, 1816, and 1817. As this statement is founded upon the applications made to the Treasury under the acts imposing stamp duties, it is believed to be substantially correct. The average dividends upon which the stamp duty was paid, during those years, amounted to about seven and a half per cent. upon the nominal amount of capital; it is, however, a matter of general notoriety that the dividends upon bank capital actually paid exceeded that rate. If it is assumed that the dividends declared, and upon which the duty was paid, amounted during those years to ten per cent., then the capital actually paid in the year 1817, instead of being more than \$125,000,000, as it is exhibited in statement B, will be found to be about \$94,000,000; but, when it is recollected that, after the first payment required by the charters of the different banks, they have generally gone into operation, it is probable that a considerable proportion of the remaining payments have added nothing to their active capital. This fact being assumed, and a deduction being made of the amount of permanent accommodation enjoyed by the stockholders, in their respective banks, the active bank capital of the United States may be fairly estimated at a sum not exceeding \$75,000,000. That these deductions ought to be made, in an attempt to ascertain the real amount of bank capital, cannot, it is presumed, be contested. If a stockholder to the amount of \$10,000 has a permanent accommodation in the bank of \$8,000, he has, in fact, but \$2,000 of capital in the bank. This is equally true when a portion of his subscription has been paid with his own note, however well endorsed; so long as the note remains unpaid, it adds nothing to the real capital of the bank.

Such, it is believed, has been the process by which the capital of most of the banks has been formed, which have been incorporated since the commencement of the late war. Since that period, banks have been incorporated, not because there was capital seeking investment; not because the places where they were established had commerce and manufactures which required their fostering aid; but because men without active capital wanted the means of obtaining loans, which their standing in the community would not command from banks or individuals having real capital and established credit. Hence the multiplicity of local

banks, scattered over the face of the country, in particular parts of the Union, which, by the depreciation of their paper, have levied a tax upon the communities within the pale of their influence exceeding the public contributions paid by them.

Statement C presents the condition of the State banks from which returns have been received, or have been transmitted by the Secretaries of State of different States, in conformity with the request of the Treasury Department. By comparing this statement with statement B, it will be perceived that it is very imperfect. Independently of the banks which have been created since the year 1817, it will be discovered that bank capital to the amount of more than \$18,000,000, comprehended in statement B, is not embraced in it. As the amount of bank capital exhibited in statement C is \$72,000,000, and its specie \$9,828,000, the whole specie possessed by the State banks may be estimated at \$12,250,000; if to this sum be added the specie in the possession of the Bank of the United States and its offices, the specie capital of all the banks in the United States may be estimated at \$15,500,000. There are no means of ascertaining, with any degree of precision, the amount of specie in circulation; it is probable, however, that it does not exceed \$4,500,000. Assuming this amount to be nearly correct, the whole metallic currency of the Union may be estimated at \$20,000,000. Applying the same rule for ascertaining the circulation of the banks not embraced by statement C which has been employed to determine their specie, the whole amount of bank notes in circulation may be estimated at \$46,000,000. It is probable, however, that this estimate is too high, as, according to the general practice of banks, all notes issued are considered in circulation, which are not in the possession of the bank by which they were issued. A reasonable deduction being made from the notes supposed to be in circulation, but which are, in fact, in the possession of other banks, it is probable that the actual circulation, both of paper and specie, is less at this time than \$45,000,000. By the same mode of calculation, the whole amount of discounts may be estimated at \$156,000,000.

The destruction or loss of the returns made to the Treasury before the year 1816, by the banks in which the public money was deposited, prevents any satisfactory comparison being drawn between their condition before and since that period. Comparative statements, however, have been received from sixteen banks in different parts of the Union, showing their situation on the 30th day of September, in the years 1813, 1815, and 1819. By statement D, it appears that those banks, at the first period, with a capital of \$6,903,262, and with \$3,059,149 of specie in their vaults, circulated \$6,845,344 of their notes, and discounted to the amount of \$12,990,975; at the second period their capital was \$8,852,371, specie \$1,693,918, circulation \$9,944,757, and discounts \$15,727,118; and at the third period their capital was \$9,711,960, specie \$1,726,065, circulation \$4,259,234, and discounts \$12,959,560.

By statement B, already referred to, it has been shown that, in the year 1814, the nominal bank

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capital in the United States exceeded \$80,000,000. It is understood that a large addition was made to it in that year in several of the States. If it be admitted that such addition amounted to \$15,000,000, the bank capital in operation in the year 1813 may be stated at \$65,000,000. Allowing to this capital the same amount of specie, circulation, and discounts, as was comparatively possessed by the banks comprehended in statement D, the estimate will be, specie \$28,000,000, circulation \$62,000,000, and discounts \$117,000,000. In 1815 the bank capital had increased to \$88,000,000; whilst, upon the same principle of calculation, the specie would have been estimated at \$16,500,000, circulation at \$99,000,000, and discounts at \$150,000,000. Applying this principle to the \$125,000,000 of bank capital in operation during the year 1819, the specie possessed by all the banks would amount to \$21,500,000, circulation \$53,000,000, and discounts \$157,000,000.

These last results, with the exception of the discounts, very materially differ from those which have been obtained by the mode of calculation previously adopted; they, nevertheless, furnish materials which may be useful in the progress of this inquiry. From them the following deductions may be drawn :

1st. That, in the year 1813, the circulation of bank notes was nearly equal to the bank capital.

2d. That, in the year 1815, it exceeded the capital by one-eighth.

3d. That, in the year 1819, it was less than the capital nearly in the proportion of 1 to 2.5.

4th. That, whilst the amount of bank capital has increased since 1813 from sixty-five to one hundred and twenty-five millions, the metallic basis, upon which the circulation of notes is founded, has decreased in the proportion of 15.5 to 28; being equal to 44.6 per cent.

5th. That the circulation of notes in the year 1819, in proportion to the specie in the possession of the banks, exceeded that of 1813 by 25.9 per cent.

6th. That, in the year 1813, the discounts, in proportion to the bank capital employed, exceeded those of 1815 in the ratio of 18 to 17, and those of 1819 in the ratio of 18 to 12.

7th. That the increase of bank notes in circulation, between the years 1813 and 1815, exceeded the increase of discounts during the same period by \$4,000,000; whilst the specie in the vaults of the banks was diminished \$11,000,000.

8th. That whilst, between the years 1815 and 1819, an addition of \$37,000,000 has been made to the nominal bank capital, but \$6,000,000 have been added to the aggregate amount of discounts.

It is probable that, between the year 1811 and the year 1813, a considerable addition was made to the paper circulation of the country. From a return of the former Bank of the United States, made to the Treasury in 1808, it appears that, with \$15,300,000 of specie, is circulated only \$4,787,000 of notes. Another return made in 1810 shows its condition was not materially changed. Shortly after the expiration of its charter, bank capital, to a great amount, was incorporated in some of the

States. The expenditures produced by the war which was declared in 1812, without doubt, contributed, in some degree, to produce the difference between the condition of the sixteen banks already referred to, and that of the former Bank of the United States. If it be admitted, however, that the circulation in 1813 was not redundant, it must have become excessive in 1815. An increase of the currency, in the space of two years, in the proportion of 99 to 62, even if it had been wholly metallic, could not have failed to have produced a very great depreciation; but, when it is considered that not only the increase, but the whole circulation, consisted of paper not convertible into specie, some idea of its depreciation may be formed. The depreciation, however, was not uniform in every part of the Union. The variation in the degree of depreciation depended not only upon the greater issues of banks in one section of the nation than in others, but also upon the local advantages which they enjoyed as to commerce. It is impossible to determine, with precision, where the most excessive issue of bank notes occurred. Statement E, which exhibits the rate of exchange between the principal cities to the east of this place and London, and the price of bills at New York upon Boston, Philadelphia, and Baltimore, during the years 1813, 1814, 1815, and 1816, may be considered presumptive evidence of that fact. So far as it can be relied upon for that purpose, Baltimore was the point of greatest depreciation among the above-mentioned places. This is probably true; as it is known that the banks in that place made greater advances to the Government in the loans which it obtained during the late war, in proportion to their capital, than those of Philadelphia, New York, and Boston. But the greatest depreciation of the currency existed in the interior States, where the issues were not only excessive, but where their relation to the commercial cities greatly aggravated the effects of that excess.

This statement may also assist in explaining the cause of the necessity which existed in 1814 for the suspension of specie payments by the banks. From the commencement of the war until that event, a large amount of specie was taken out of the United States by the sale of English Government bills, at a discount frequently of from 15 to 20 per cent. Immediately after the suspension, they commanded a premium in those places where the banks had suspended payment, which gradually rose to 20 per cent.; while at Boston they remained at a discount of about 14 per cent. until February, 1815.

Whatever may have been the degree of depreciation of the currency in 1815, it continued to augment throughout the first six months of the year 1816, if the rate of exchange with London is considered conclusive evidence of that fact. The excessive importations of British merchandise during that period, and in the preceding year, might indeed account for the increase of premium paid upon sterling bills, and was, probably, one of the principal causes of it. The great fluctuations which occurred in the latter part of that period furnish some reason, however, for ascribing them,

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in some degree, to changes in the value of the currency in which their price was calculated rather than to the ordinary principles of exchange. It is more probable that the currency, in those places where it was not convertible into specie, fluctuated in value according to the efforts which were made, in particular places, to prepare for the resumption of specie payments, than that the balance of payments between the two countries should have varied to such an extent as is indicated by the sudden variations which occurred during that period in the rate of exchange. So far as these fluctuations are ascribable to the currency in which the rate of exchange was determined, a considerable appreciation of that currency took place in the last months of the year 1816. From that period until the present time, the circulation has rapidly diminished; and all the evils incident to a decreasing currency have been felt in every part of the Union, except in some of the Eastern States.

If, as previously stated, the circulation of 1813 be admitted to be the amount required to effect the exchanges of the community with facility and advantage, and that, in the year 1815, that circulation was extended to \$99,000,000, (which was, in some degree, augmented in 1816,) the extent of the diminution of the currency, in the space of three years, may be perceived. But it is probable that the currency in 1815 exceeded \$99,000,000. The banks, upon whose situation that estimate is founded, were established at a period when the practice of dispensing with the payment of those portions of their capital falling due after they went into operation had not been generally introduced. Some of them did not suspend specie payments during the general suspension. The rest were among the first to resume them, and have continued them to the present time. It cannot be expected that banks which went into operation during the war, and after the general suspension had occurred, were conducted with an equal degree of prudence and circumspection. A reasonable allowance being made for bank notes supposed to be in circulation at that period, but which were, in fact, in the possession of other banks, and for the excess of issues beyond the estimate, the circulation may, it is believed, be safely calculated at not less than \$110,000,000. The paper circulation in 1813 has been estimated at \$62,000,000. At that period, however, gold and silver formed a substantial part of the currency. The condition of the old Bank of the United States in 1810, and of the sixteen banks in 1813, proves that the demand for specie from the vaults of the banks was inconsiderable. It is therefore probable that the whole circulation of 1813 amounted to \$70,000,000. In 1815, it is estimated to have risen to \$110,000,000; and this amount was probably augmented in 1816. At the close of 1819, it has been estimated, upon data believed to be substantially correct, at \$45,000,000. According to these estimates, the currency of the United States has, in the space of three years, been reduced from \$110,000,000 to \$45,000,000. This reduction exceeds 59 per cent. of the whole circulation of 1815.

The fact that the currency in 1815 and 1816 was depreciated has not sensibly diminished the effect upon the community of this great and sudden reduction. Whatever was the degree of its depreciation, it was still the measure of value. It determined the price of labor, and of all the property of the community. A change so violent could not fail, under the most favorable auspices in other respects, to produce much distress, to check the ardor of enterprise, and seriously to affect the productive energies of the nation. The reduction was, in fact, commenced under favorable auspices. During the year 1817, and the greater part of 1818, all the surplus produce of the country commanded in foreign markets higher prices than ordinary. The rate of foreign exchange afforded no inducement for the exportation of specie, for the purpose of discharging debts previously contracted. The only drain to which the metallic currency was subject was the demand for it for the prosecution of the trade to the East Indies and to China. In this trade, specie being the principal commodity, and indispensable to its prosecution, the amount exported during those years was very great, and seriously affected the amount of circulation, by compelling the banks to diminish their discounts.

Notwithstanding the drain for this commerce during these years was unusually large, every other circumstance was favorable to the restoration of the currency to a sound state, with the least possible distress to the community. The capacity of the country to discharge a large portion of the debts contracted with banks, and which had occasioned their excessive issues, was greater than at any former period, and than it probably will be again for a lapse of successive years. The effort to reduce the amount of currency during those years, though successful to a considerable degree, was not pursued with sufficient earnestness. In the latter part of 1818, when the price of the principal articles of American production had fallen nearly 50 per cent. in foreign markets, when the merchant needed the aid of additional loans to sustain him against the losses which he had incurred by the sudden reduction in the price of the commodities he had exported, he was called upon to discharge loans previously contracted. The agriculturist, who saw his income reduced below his indispensable necessities; the manufacturer, who was not only struggling against foreign competition, but who saw the sale of his manufactures reduced, by the incapacity of his customers to buy; in fact, all classes of the community, under circumstances so adverse to the command of funds, were subjected to curtailment wherever they had obtained discounts.

All intelligent writers upon currency agree that where it is decreasing in amount, poverty and misery must prevail. The correctness of the opinion is too manifest to require proof. The united voice of the nation attests its accuracy. As there is no recorded example in the history of nations of a reduction of the currency so rapid and so extensive, so but few examples have occurred of distress so general and so severe as that which has been exhibited in the United States. To the evils

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of a decreasing currency are superadded those of a deficient currency. But, notwithstanding it is deficient, it is still depreciated. In several of the States the great mass of the circulation is not even ostensibly convertible into specie at the will of the holder. During the greater part of the time that has elapsed since the resumption of specie payments, the convertibility of bank notes into specie has been rather nominal than real in the largest portion of the Union. On the part of the banks, mutual weakness had produced mutual forbearance. The extensive diffusion of bank stock among the great body of the citizens, in most of the States, had produced the same forbearance among individuals. To demand specie of the banks, when it was known they were unable to pay, was to destroy their own interests, by destroying the credit of the banks in which the productive portion of their property was invested. In favor of forbearance was also added the influence of the great mass of bank debtors. Every dollar in specie drawn out of the banks, especially for exportation, induced the necessity of curtailments. To this portion of the community all other evils were light when compared with the imperious demands of banks. Their exertions to prevent the drain of specie in the possession of those who controlled their destiny equalled the magnitude of the evils which were to be avoided. In most parts of the Union this forced state of things is passing away. The convertibility of bank notes into specie is becoming real wherever it is ostensible. If public opinion does not correct the evil in those States where this convertibility is not even ostensible, it will be the imperious duty of those who are invested with the power of correction to apply the appropriate remedy.

As the currency is, at least in some parts of the Union, depreciated, it must in those parts suffer a further reduction before it becomes sound. The nation must continue to suffer until this is effected. After the currency shall be reduced to the amount which, when the present quantity of the precious metals is distributed among the various nations of the world, in proportion to their respective exchangeable values, shall be assigned to the United States; when time shall have regulated the price of labor and of commodities, according to that amount; and when pre-existing engagements shall have been adjusted, the sufferings from a depreciated, decreasing, and deficient currency will be terminated. Individual and public prosperity will gradually revive, and the productive energies of the nation resume their accustomed activity. But new changes in the currency, and circumstances adverse to the perpetuity of the general prosperity, may reasonably be expected to occur. So far as these changes depend upon the currency, their recurrence, to an extent sufficient to disturb the prosperity of the nation, would be effectually prevented, if it could be rendered purely metallic. In that event, we should always retain that proportion of the precious metals which our exchangeable commodities bear to those of other nations. The currency would seldom be either redundant or deficient to an extent that would seriously affect

the interests of society. But when the currency is metallic, and paper convertible into specie, changes to such an extent, it is believed, will frequently occur.

The establishment of banks which are restrained from issuing notes of small denominations furnishes great facilities for the transmission of money, and increases the efficiency of the capital subject to their control to the extent of the credit employed by them. The degree of facility afforded by them for the transportation or transmission of money depends upon the extent of country within which their notes circulate, and preserve a value equivalent to specie. Ordinarily, this extent is determined by the interior trade of the country; they will circulate through the whole extent of country, the produce of which is carried for sale to the place of their establishment. If they are established only in the principal commercial city of the nation, their notes will circulate through the whole extent of its territory, and afford the greatest possible facility for the transmission of money. If they are established in several of the commercial cities, their circulation will be circumscribed by the sections of country the inhabitants of which trade to those cities. The facility for transmitting money will be diminished by their establishment. But if banks should be established in all the interior towns, this facility would be impaired to a still greater degree. In that event, their notes would circulate within very narrow limits; but, within those limits, the notes of the banks in the commercial cities would no longer form part of the circulation. Should they, by accident, be carried within it, the first individual having remittances to make, and into whose hands they might come, would use them for that purpose.

The degree of credit which a bank can employ, in proportion to its capital, depends upon a variety of circumstances. If the community repose great confidence in the prudence and integrity of those who direct its concerns; if the capital employed be small in proportion to the demand for the transmission of money; if there be no other bank whose local situation repels its circulation from those sections of the country, the produce of which is ultimately carried to the place where it is established, the credit which it will be able to employ will be very great. Where all these facilities are wanting, the extent of the credit which it will employ will be very inconsiderable. The additional efficiency which, in the latter case, will be imparted to capital invested in banks, will not, it is believed, countervail the evils which necessarily result from their establishment.

Among the advantages which have been supposed most strongly to recommend their establishment, especially in a community whose resources are rapidly expanding, their capacity suddenly to increase the currency to the utmost demand for it has been considered the most important.

In a country where the currency is purely metallic, no considerable addition can be made to it without giving, at the time of its acquisition, articles in exchange of equal value. No addition

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can be made to the currency without affecting, to the extent of such addition, the enjoyments of the community. The amount so added will, to the same extent, diminish the quantity of articles which would otherwise be imported into the country for domestic consumption, or for re-exportation.

Ordinarily, the currency of one country will not be exported to another, because its value in every country is nearly the same. It will not, therefore, like other commodities, command a commercial profit upon exportation. It will be taken from one country to another only when the price of commodities in the former is so high as to produce a loss in the latter equal to the expense of transporting specie. It is this condition, annexed to every acquisition to the currency of a State, when it is purely metallic, of diminishing, to the same extent, the enjoyments of the community, which affords the most efficient protection against its becoming redundant. It is equally efficient in guarding against a deficiency, to an extent that can seriously affect the interest of the community. But this condition is not annexed to the increase of the currency by the issue of bank notes, even when convertible into specie. The notes by which the currency is suddenly augmented do not, in any degree, diminish the enjoyments of the community. No equivalent is, by such issue, transferred to another community, as is invariably done when an acquisition is made to a metallic currency. Whenever the currency can be augmented, exempt from such transfer, it must be subject to some degree of fluctuation in quantity. Every addition made to the currency by the issue of bank notes changes the relation which previously existed between the amount of the currency and the amount of the commodities which are to be exchanged through its agency. Their issue depends not upon receiving in exchange articles of equal value, but upon a pledge of the credit of one or more individuals to the amount of such issue. No evil can result to the community from the advance of the capital of a bank in exchange for the credit of individuals. In that case, no addition is made to the amount of the currency previously in circulation. It is perfectly immaterial to society whether this capital be lent by individuals or by corporations. The relation between the currency and the exchangeable commodities of the State is not disturbed. But, when their credit is greatly extended, the currency is expanded, and that relation is deranged. An expansion of the currency, through the agency of banks, will generally occur only in periods of prosperity. During such periods, enterprise will be fostered, industry stimulated, and the comfort and happiness of the people advanced, without the factitious aid of an expansive currency. But there can be no doubt that a sudden increase of the currency, during periods of prosperity, through the agency of bank issues, gives additional force and activity to the national enterprise. Such an increase will be followed by a general rise in the value of all articles, especially of those which cannot be exported. The price of lands, houses, and public stock, will be augmented in a greater degree than if no such increase had taken place.

If these prices could be maintained, if they could even be protected against sudden reduction, they would be cause of gratulation rather than of complaint. But the expansion of the currency, by the issue of paper, in a period of prosperity, will inevitably be succeeded by its contraction in periods of adversity. The extent to which the currency may be contracted, through the agency of banks, depends upon the use which they may have made of their credit. The excess of their discounts beyond their capital actually paid determines the amount of the credit which they have employed. Thus, in 1813, the capital of the banks in the United States has been estimated at \$65,000,000, and their discounts at \$117,000,000. The extent to which their credit was then employed was \$52,000,000. Their circulation, the same period, has been estimated at \$32,000,000. In this estimate no allowance was made for notes stated to be in circulation, but which were probably in the possession of other banks. A reasonable deduction being made on that account, it is probable that the paper circulation did not much exceed \$52,000,000. But the liability of the banks for specie was equal to the whole amount of notes represented to be in circulation, besides the individual deposits. To meet an immediate demand, they are estimated to have had \$28,000,000 in specie. If the deposits of individuals should be estimated at \$18,000,000, their ultimate means of meeting the demand of \$62,000,000, without sacrificing their capital, would consist of \$10,000,000 in specie, and \$52,000,000 secured by the notes of individuals; this sum being the excess of their discounts over their capital. Under ordinary circumstances, the basis upon which the credit of this circulation rested might be considered sufficient to sustain it. A debt of \$117,000,000 could not, under the most adverse circumstances, be considered inadequate to meet one of \$52,000,000. But, in the case of currency, the capacity of ultimate redemption is not sufficient. The capacity to redeem it as it is presented is indispensable. Whenever the public confidence in this capacity is impaired, an immediate demand for specie will be created; and, if it is not promptly met, depreciation will ensue. But, even in circumstances in some degree adverse to the operations of banks, if their discounts consisted principally of notes founded upon real transactions, in which the idea of renewal was excluded, and if specie formed a considerable proportion of the circulation, the capacity of the banks to meet the demands upon them for specie might have been sufficient to sustain the credit of the currency. If, on the other hand, the debts due to the banks consisted chiefly of fixed or permanent loans, generally denominated accommodation paper; if specie had been banished from circulation, by the issue of dollar notes, the suspension of payment by the banks could not fail to be the result of any considerable pressure upon them for specie. In the former case, as their notes should be withdrawn from circulation, they would gradually be reduced to the demand for them for the transmission of money. If the effort to withdraw them should be continued beyond that point, specie

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would be paid into the banks by their debtors, in preference to bank notes; and the just proportion between the paper circulation and the specie in their vaults would be promptly restored. In the latter case, as the debts due to the banks would not, according to the understanding of the parties, become due at short intervals, the only mode of meeting the increasing demands upon them for specie would be to require of the whole mass of debtors the payment of a fixed proportion of the sums due by them. As the circumstances which would require this measure, on the part of the banks, would generally affect the community in the same degree, the capacity of their debtors to meet this demand would generally be found to be in an inverse ratio to the demand. The demand itself, being inconsistent with the impression under which the debt was contracted, would be resisted in every case where the interest of the debtor would be subserved by delay. As specie formed but an inconsiderable part of the currency, the reduction of the paper circulation would have to be carried to a greater extent than in the former case. A just proportion between the paper circulation, and the specie necessary to support it, could be obtained only by the positive reduction of the former, as it would be impracticable to increase the latter, while the demand continued. Under such circumstances, the suspension of payment would be the probable result.

Such, in fact, were the circumstances under which the suspension in 1814 occurred.

The injudicious multiplication of banks, where capital in that form, to some extent, might have been useful; the establishment of them where they could only be injurious; the permission to issue dollar notes, by which specie was banished from circulation; and the demand for specie for exportation, which existed during the years 1813 and 1814, imposed upon the banks in the Middle, Southern, and Western States the necessity of suspending payment. A longer effort to discharge their notes in specie would not only have been ineffectual, but would certainly have postponed, to a more remote period, the resumption of specie payments. The evils which have resulted to the community from that suspension have certainly been great; but it may well be doubted whether others of equal magnitude would not have been suffered, if that event had not occurred. The extent to which the currency must have been reduced, in order to have avoided the suspension, could not have failed, at any period, to produce great embarrassment and distress to the community. But, in a time of war, when the country was invaded; when the public safety required that the energies of the nation should be fully developed, a sudden and extensive reduction of the currency, by any cause whatever, would have been fatal. Under such circumstances, the demand for currency would have been too imperious to be resisted. It would, from necessity, have been supplied by the issue of Treasury notes.

The fact that, in a small portion of the Union, specie payments were continued, cannot be admitted as evidence that it was practicable throughout

the nation. In that part of the country, the extensive bank issues consequent upon loans to the Government in the Middle States had not occurred. Foreign trade, which, in the other parts of the Union was nearly annihilated, still preserved there a languid existence, through the permission or connivance of the enemy. These circumstances could not fail to enable the banks in the Eastern States to continue specie payments longer than those of the Middle, Southern, and Western States. In an effort to preserve their credit, they would, inevitably, be the last which would fail. In such a struggle, however, they must have failed, had not the circulation of the paper of their weaker neighbors and the issues of Treasury notes come to their aid. But for this adventitious assistance, wholly unconnected with the wisdom and foresight of their directors, specie payments must have been suspended there, or the best interests of the community have been sacrificed. From that period, until the resumption of specie payments in the early part of 1817, Treasury notes, and the notes of the banks which had suspended payment, formed the great mass of the circulation in the eastern part of the Union. Specie, or the notes of banks which continued to pay specie, formed no part of the receipts of the Government in Boston and the districts east of that town, until about the close of the year 1816.

In all great exigencies, which, in the course of human events, may be expected to arise in every nation, the suspension of payment by banks, where the circulation consists principally of bank notes, is one of the evils which ought to be considered as the inevitable consequence of their establishment. Even in countries where paper does not form the principal part of the circulation, such an event will sometimes happen. In the year 1797, when the restriction was imposed upon the Bank of England, the average of its circulation for several successive years was about £10,000,000 sterling, whilst the metallic currency was estimated at £30,000,000. Yet, in that country, whose trade in time of war, through the protection of its fleets, was rather expanded than contracted, it was found necessary to authorize the bank to suspend payment; which suspension, after a lapse of twenty-three years, still continues. When the existence of banks depends upon the authority which regulates the currency, it may be practicable to impose salutary checks against excessive issues of paper during suspension, and, in some degree, to guard against an excessive depreciation of the currency. But, where these institutions are created by an authority having no power to regulate the currency, and especially where they are created by a great variety of authorities independent of each other, and practically incapable of acting in concert, it is manifest that no such checks or restraints can be imposed. It is impossible to imagine a currency more vicious than that which depends upon the will of nearly four hundred banks, entirely independent of each other, when released from all restraint against excessive issues. By the term currency, the issue of paper by Government, as a financial resource, is excluded.

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Even such an issue, in a State where the reign of law is firmly established, and public opinion controls the public councils, would be preferable to a currency similar to that which existed in some parts of the United States during the general suspension, and which now exists in some of the States. This truth has been practically demonstrated by the redemption of the whole of the Treasury notes issued during the war, within the short space of about two years after the peace; whilst a large amount of bank notes issued during the suspension are yet unredeemed, and greatly depreciated.

There can be no doubt that a metallic currency, connected with a paper circulation, convertible into specie, and not exceeding the demand for the facile transmission of money, is the most convenient that can be devised. When the paper circulation exceeds that demand, the metallic currency, to the amount of the excess, will be exported, and a liability to sudden fluctuations to the same extent will be produced.

If banks were established only in the principal commercial cities of each State; if they were restrained from the issue of notes of small denominations; if they should retain an absolute control over one-half of their capital, and the whole of the credit which they employ, by discounting to that amount nothing but transaction paper payable at short dates, the credit and stability of the banks would at least be unquestionable. Their notes could always be redeemed in specie, on demand. The remaining part of their capital might be advanced upon long credits to manufacturers, and even to agriculturists, without the danger of being under the necessity of calling upon such debtors to contribute to their relief if emergencies should occur. Such debtors are, in fact, unable to meet sudden exigencies, and ought never to accept of advances from banks but upon long credits, for which timely provision may be made. The latter class, of all others, is the least qualified to meet the sudden demands which a pressure upon banks compels them to make upon their debtors. The returns of capital invested in agriculture are too slow and distant to justify engagements with banks, except upon long credits. If the payment of the principal should be demanded at other periods than those at which the husbandman receives the annual reward of his toil, the distress which would result from the exaction would greatly outweigh any benefit which was anticipated from the loan. That the establishment of banks in agricultural districts has greatly improved the general appearance of the country, is not denied. Comfortable mansions and spacious barns have been erected; lands have been cleared and reduced to cultivation; farms have been stocked and rendered more productive, by the aid of bank credits; but these improvements will eventually be found, in most cases, to effect the ruin of the proprietor. The farm, with its improvements, will frequently prove unequal to the discharge of the debts incurred in its embellishment. Such, in fact, is the actual or apprehended state of things wherever banks have been established in the small

inland towns and villages. Poverty and distress are impending over the heads of most of those who have attempted to improve their farms by the aid of bank credits. So general is this distress, that the principal attention of the State Legislatures, where the evil exists, is, at this moment, directed to the adoption of measures calculated to rescue their fellow-citizens from the inevitable effects of their own indiscretion. If, in affording a shield to the debtor against the legal demand of his creditor, the axe shall be applied to the root of the evil, by the annihilation of banks where they ought never to have existed, the interference, however doubtful in point of policy or principle, may eventually be productive of more good than evil.

The general system of credit which has been introduced through the agency of banks, brought home to every man's door, has produced a factitious state of things, extremely adverse to the sober, frugal, and industrious habits which ought to be cherished in a republic. In the place of these virtues, extravagance, idleness, and the spirit of gambling adventure have been engendered and fostered by our institutions. So far as these evils have been produced by the establishment of banks where they are not required, by the omission to impose upon them wholesome restraints, and by the ignorance or misconduct of those who have been intrusted with their direction, they are believed to be beyond the control of the Federal Government. Since the resumption of specie payments, measures have been adopted in some of the States to enforce their continuance; in others, the evil has been left to the correction of public opinion. There is, however, some reason to apprehend that the authority of law may be interposed in support of the circulation of notes not convertible into specie.

But the Federal Government has, by its measures, in some degree, contributed to the spirit of speculation and of adventurous enterprise which, at this moment, so strongly characterizes the citizens of this Republic. The system of credit, which in the infancy of our commerce was indispensable to its prosperity, if not to its existence, has been extended at a period when the dictates of sound discretion seemed to require that it should be shortened. The credit given upon the sale of the national domain has diffused this spirit of speculation and of inordinate enterprise among the great mass of our citizens. The public lands are purchased, and splendid towns erected upon them, with bank credits. Every thing is artificial. The rich inhabitant of the commercial cities and the tenant of the forest differ only in the object of their pursuit. Whether commerce, splendid mansions, or public lands be the object of desire, the means by which the gratification is to be secured are bank credits.

This state of things is no less unfriendly to the duration of our republican institutions than it is adverse to the development of our national energies when great emergencies shall arise; for, upon such occasions, the attention of the citizen will be directed to the preservation of his property from the grasp of his creditors, instead of being devoted to the defence of his country; instead of being able

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to pay with promptitude the contributions necessary to the preservation of the State, he will be induced to claim the interference of the Government, to protect him against the effects of his folly and extravagance.

This ought not to be the condition of a republic when menaced by foreign force or domestic commotion. Such, it is apprehended, will be the condition of the United States, if the course which has been pursued since the commencement of the late war be not abandoned. Since that period, it is believed, the number of banks in the United States has been more than doubled. They have been established in the little inland towns and villages, and have brought distress and ruin upon the inhabitants. When the cause and the extent of the evil are known, no doubt is entertained that the appropriate remedies will be applied by those who, in our complex form of government, are invested with the necessary authority.

But the resolution requires the Secretary of the Treasury "to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of gold and silver coin in the United States."

It has already been suggested, that, if the currency were purely metallic, or connected with paper convertible into specie, to the extent only of the demand for the transmission of money, the United States would retain a proportion of the precious metals which the value of their exchangeable commodities bore to those of other States. But if paper can be made to circulate independent of its employment in the transmission of funds, gold and silver to the same extent will be exported. If paper will be received and employed generally as the medium of exchange, and especially if it be issued in bills of small denominations, the amount of specie which will be exported will be great in proportion to the paper in circulation. If this position be correct, the power of Congress will be insufficient to retain any considerable portion of gold and silver in the United States. Bank notes, from one dollar to those of large denominations, have circulated, and, it is presumed, will continue to circulate, independent of its authority. As long as bank notes will be received as a substitute for specie, the quantity of specie necessary for currency will be small and may be easily retained without the aid of Government. But the demand for specie, where the circulation is principally paper, is extremely fluctuating. When there is but little or no demand for it, the temptation to increase their discounts, by the issue of more paper, is too strong to be resisted by banks. When a demand for specie arises, the currency has to be suddenly diminished by the contraction of their discounts. Fluctuations in the amount of the currency, produced by this means, is the principal mischief to be remedied; these fluctuations will frequently occur in every State, where the currency is principally paper convertible into coin. In the United States, where the specie exported as a primary article of commerce to the East Indies and to China bears so large a proportion to the metallic currency of the country, they must not only be more fre-

quent than in States where no such commerce exists, but more extensive in their effects. The demand created for Spanish milled dollars, by the exportation of specie, in the prosecution of this trade, has, without doubt, caused their importation to an extent which otherwise would not have occurred. As this demand is in some degree contingent, the supply will also be contingent. When it exceeds the demand, the banks will be tempted to new issues of paper. When it is deficient, the deficiency will be drawn from the banks, and will cause a sudden diminution of the currency. If this diminution could be limited to the amount of the deficiency thus drawn from the banks, the evil would be no greater than if the currency were metallic. But this is not the fact. When the paper circulation is returned upon the banks for specie, prudence requires that an effort should be made to preserve the same proportion between the specie in their vaults and their notes in circulation as existed at the moment the pressure commenced. If the paper in circulation should be three times the amount of specie in possession of the banks, a demand upon them for \$1,000,000 of specie would produce a diminution of \$3,000,000 in the currency if the specie should be exported, and of \$2,000,000 if it remained in the country. It is even probable that the comparative diminution would exceed this ratio. As the demand increased, apprehensions would be excited for the credit of the banks; the exertions produced by that apprehension would correspond with the magnitude of the evil to be avoided, rather than with the positive pressure; this, it is presumed, would be the effect of such an emergency, where banks had not become familiarized with bankruptcy, and were not countenanced by society in a course of conduct which, in private life, would be considered dishonest.

If, by any Constitutional exercise of the power of Congress, banks can be restrained, first, from issuing notes of small denominations, and, secondly, from excessive issues when their notes are not returned upon them for specie, fluctuations in the currency, to an extent to derange the interests of society, may be prevented. But if the imposition of these restraints is not within the Constitutional powers of Congress, the evils which have been suffered for the want of those restraints must continue until the present system of banking shall be abandoned.

In an inquiry into the state of the currency, the consideration of the coinage is necessarily involved. The principles upon which the coinage of the United States has been established are substantially correct. The standard fineness of the gold coinage corresponds with the coinage of England and Portugal. The standard of the silver coinage differs but little from that of Spain. The American dollar is intrinsically worth about one per cent. less than the Spanish milled dollar. This difference, if the Spanish dollar had not been made a legal tender, might have secured to the nation a more permanent use of its silver coinage. American dollars would not be exported as long as Spanish dollars could be obtained for that purpose at a reasonable premium. If this latter coin were

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not a legal tender, the banks might afford to import it, and might sell, at a fair premium, the amount which might be required of them for the China and East India trade.

The relative value of gold and silver has been differently established in different nations. It has been different in the same nation at different periods. In England, an ounce of gold is equal in value to about 15.2 ounces of silver; in France, it is equal to 15.5; and in Spain and Portugal to 16 ounces. In the United States, an ounce of gold is equal to 15 ounces of silver. But the relative value of these metals in the markets frequently differs from that assigned to them by the laws of the different civilized States. It is believed that gold, when compared with silver, has been for many years appreciating in value, and now everywhere commands, in the money markets, a higher value than that which has been assigned to it in States where its relative value is greatest. If this be correct, no injustice will result from a change in the relative legal value of gold and silver, so as to make it correspond with their relative marketable value. If gold, in relation to silver, should be raised five per cent., one ounce of it would be equal to 15.75 or 15 $\frac{3}{4}$ ounces of pure silver. This augmentation in its value would cause it to be imported in quantities sufficient to perform all the functions of currency. As it is not used to any considerable extent as a primary article of commerce, the fluctuations to which the silver currency is subject from that cause would not affect it. It would be exported only when the rate of exchange against the country should exceed the expense of exportation. In ordinary circumstances, such a state of exchange would not be of long continuance. If the currency of the United States must, of necessity, continue to be paper convertible into specie, an increase of the gold coinage, upon principles which shall afford the least inducement to exportation, is probably the most wholesome corrective that can be applied, after the rigid enforcement of that convertibility.

The copper coinage is believed to be susceptible of improvement. Copper itself is too massive to serve the purposes of change. One hundred cents are too cumbersome to be carried and used in the numberless transactions which daily occur between individuals. Coin compounded of silver and copper, of from one to ten cents, would be much more suitable for that object. This kind of coinage has been adopted in other countries with great advantage.

It has, however, been objected to this coinage—

1. That, as compounded metals are much harder than the component ingredients, it would be difficult, and, consequently, expensive to work.

2. That the coin itself would be of little or no intrinsic value; copper or brass being of superior value in the manufactures to which it might be applied. And that the public would scarcely submit to the circulation of a coin so worthless.

3. That it might be counterfeited by a composition of zinc and copper.

After giving to these objections their due weight, it is believed that a change of this nature, in the

copper coinage, would be beneficial. Although the expense of such a coinage should be twice as much as that of an equal number of silver coin, still it might be advantageous. Small change, both of silver and copper, may be abundant in Philadelphia, the seat of the Mint, but it is not generally so elsewhere. If it were, tickets of 6 $\frac{1}{2}$, 10, 12 $\frac{1}{2}$, 25, and 50 cents, issued by mayors and corporation officers, and dollar bills torn in two pieces, for the purposes of change, would not be employed for that purpose. This single fact is an answer to the second objection. The fractional parts of a dollar are so indispensable in the transactions of individuals, that any thing which assumes that character will be employed. If the tickets which at this moment form so great a portion of the change of this city, and of various other places, are employed for that purpose it is inconceivable that the community should refuse to permit a compound coin of silver and copper to circulate, containing the intrinsic value which it represents, merely because, for manufactures, it will not be worth more than brass or copper, and that the expense of refining will be equal to the value of the silver. Change (that is, the fractional parts of a dollar) is so indispensable to the community, that its inapplicability to manufactures, and its exemption from liability to exportation, instead of forming objections, are recommendations in its favor.

The objection that this coin may be easily counterfeited is, if it cannot be obviated, entitled to great consideration. As has been before stated, this compound coinage has been successfully practised in other States. If compound metals are much harder than their component ingredients, may not a sufficient security against counterfeiting be derived from that circumstance? The dimensions and power of the machinery, which constitute one of the objections to the coinage, will render it extremely difficult to secure that secrecy and concealment which are indispensable to the success of the counterfeiter. If this compound coinage should not be carried higher than ten cent or dime pieces, the inducement, compared with the danger of detection, resulting from the magnitude of the machinery, would not, it is believed, be sufficient to encourage counterfeiting. If, however, it should be deemed impracticable to guard against this evil, in a coinage composed of silver and copper, an attempt might be made to obtain a supply of small change, by a mixture of silver and zinc. The danger of counterfeiting would then be removed.

As various plans have been suggested, during the last twelve months, for alleviating the general distress which has prevailed, by the emission of a large amount of Treasury notes, a few observations on that subject will close this part of the report.

If the Treasury notes are to be issued for this purpose, they will be either receivable in all payments to the Government, or they will be made redeemable at a fixed period.

1. If they are made receivable in all payments to the Government, the revenue will, from the time that \$5,000,000 are issued, be substantially

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received in them. The Government will be immediately unable to pay the interest and reimbursement of the public debt in specie as it becomes due. These notes, when compared with the notes of the Bank of the United States, will be at a discount. The latter notes, independently of their being every where receivable in all payments to the Government, are convertible, at the place of their issue, into specie. They are equal to the Treasury notes in payment of the revenue, and superior to them, as they can command specie when the holder shall desire it.

If the fourteenth section of the bank charter were modified, so that the notes of the bank and of its offices should be receivable by the Government only when tendered where they are made payable, a small amount of Treasury notes might be issued, and circulated, without depreciation. In that case, they would be used for the transmission of money, and would be in constant demand for that purpose. It is the reception of the notes of the Bank of the United States, and its offices, by the Government, wherever they are tendered, that causes them to be considered as a good remittance throughout the United States. If they should cease to be so received, a demand for Treasury notes to a small amount, for the transmission of money, would be created, and would preserve them from depreciation. If the notes thus issued should be made redeemable at the Treasury, in specie, upon demand, the amount which might be put and retained in circulation would probably exceed, to a considerable extent, the sum demanded for the facile transmission of money. Such Treasury notes would, however, have no advantage over the notes of the Bank of the United States, as long as they are receivable in all payments to the United States, without reference to the place where they are payable. It is even probable that they would not be of equal value and currency with those notes, as the latter would generally be made payable in the principal and commercial cities, where remittances are continually made, whilst the Treasury notes would be payable only at this place. If Treasury notes, payable in specie, on demand, when presented at this place, should be preferred to the notes of the Bank of the United States, it would be in consequence of the abuses which have been practised by banking institutions, which have, in some degree, shaken the public confidence in the integrity of their direction.

2. If Treasury notes were to be issued, not receivable in payments to the Government, but redeemable at a fixed period, they would immediately depreciate, unless they bore nearly six per cent. interest. In the latter case, they would be of little more use, as currency, than the funded debt. They would not perform the functions of money.

3. In any case whatever, whether they are receivable in payments to the Government, or bear an interest, and are redeemable at a fixed period, they will afford no substantial relief where the distress is greatest, unless they should be advanced as a loan in order to alleviate that distress. If they are to be issued from the Treasury in discharge of

the demands upon Government, they would never reach those sections of the country where relief is most required. There, the Government already collects more than can be expended. One of the causes of this distress is the necessity of transferring the public funds from those sections, for the purpose of being expended, to those where there is no deficiency of currency.

As a financial resource, the issue of Treasury notes is justifiable only where the deficiency which they are intended to supply is small in amount, and temporary in its nature. As a measure of alleviation, it will be more likely to do harm than good. If a sufficient amount of those notes, of any description whatever, should be issued, and put into circulation where they are most wanted, unless they were given away, a debt in that part of the Union would be contracted to the extent of the issue. It might enable the borrowers to pay debts previously contracted, but their relative situation would be the same. Unless the currency became vitiated by the relief which was afforded, the ultimate payment of the debt would consummate the ruin which the measure was intended to prevent. But it is probable that the sums which might be advanced, by way of loan, would, in a great degree, be lost. The Government is not, from its nature, qualified for operations of this kind. The general system of credit which has been introduced by the agency of banks, and by the inevitable effect of the measures of the General Government, has produced an artificial state of things, which requires repression rather than extension. The issue of Treasury notes for the purpose of alleviating the general distress, would tend to increase this unnatural and forced state of things, and give to it a duration which it would otherwise never attain. If much of the evil resulting from a decreasing currency had not already been suffered, there might be some plausible reason for urging the issue of Treasury notes as a measure of alleviation. This ground cannot be urged in its favor; it is therefore indefensible, upon the ground of expediency as well as of principle.

The last member of the resolution assumes, by implication, the practicability of substituting, by the Constitutional exercise of the power of Congress, a paper currency for that which now exists.

In considering this proposition, the power of Congress over the currency of the United States cannot, consistently with the respect which is due to that body, be either affirmed or denied. It cannot be supposed that the House of Representatives, in adopting the resolution in question, intended, through the agency of an Executive department of the Government, to institute an inquiry as to the extent of the Constitutional authority of a body of which it is only a constituent member. Yet it will necessarily occur to the House, that, if the power of Congress over the currency is not absolutely sovereign, the inquiry, whatever may be its immediate result, must be without any ultimate utility. The general prosperity will not be advanced by demonstrating that there is no intrinsic obstacle to the substitution of a paper for a me-

tallic currency, if the power to adopt the substitute has been withheld from the Federal Government. Without offering an opinion upon the weight to which these views would have been entitled had they been urged whilst the resolution was under consideration, it is admitted that they furnish no ground for declining the performance of the duty imposed by its adoption. In the discussion of a question of so much delicacy and importance, the utmost confidence is reposed in the justice and liberality of those who have rendered it indispensable.

At the threshold of this inquiry, it is proper to observe that it is deemed unnecessary to present an analysis of the motives which led, even in the most remote antiquity, to the general adoption, by civilized States, of gold and silver as the standard of value, or of the advantages which have resulted from that adoption. The circumstance to which, in the course of this investigation, it will be necessary to advert, is the tendency which a metallic currency has to preserve a greater uniformity of value than any other commodity; and the facility with which it returns to that value whenever, by any temporary causes, that uniformity has been interrupted. No argument will in this place be offered in support of this proposition. It is founded on the experience of all nations. Its truth, for the present, will therefore be assumed. But the proposition itself admits that gold and silver, when employed by the consent of all civilized States as the standard of value, are subject to temporary variations of value. It is equally true that they are subject to permanent variations. The cause and effect of these changes will be considered previously to the discussion of the practicability of substituting a paper for a metallic currency.

1st. When, by any circumstance whatsoever, a greater portion of these metals is found in a particular State than is possessed by other States having articles of equal value to be exchanged, they will in such State be of less value than in the adjacent States. This will be manifested by an increase in the price of the commodities of such State. This increase of price will continue until the metallic redundancy is exported or converted into manufactures. Whenever this redundancy is disposed of, the currency will return to its former value, and the price of other commodities will be regulated by that value.

2d. But the exportation of specie may take place where there is no such redundancy. This occurs whenever the general balance of trade continues for some time unfavorable to a particular State. The currency then appreciates in value, and the price of all other commodities in such State is diminished. As commerce is nothing more than the exchange of equivalents, the reduction in the price of the articles of such State, and the increased value of the currency, will promptly produce a reaction; and gold and silver will soon return in the quantities required to reduce their value to that which they maintain in the adjacent States. With the return of specie, all other articles will return to the prices which they commanded before its exportation. Like fluids, the precious metals, so long as they are employed as the gene-

ral measure of value, will constantly tend to preserve a common level. Every variation from it will be promptly corrected without the intervention of human laws. These fluctuations, being temporary in their nature, are wholly independent of the permanent causes which may affect the value of gold and silver when employed as the general standard of value. They will equally occur, whether the quantity of these metals, compared with the exchanges which they are destined to effect, be redundant or deficient. The limits, however, within which these fluctuations are confined, are so contracted, that the great interests of society cannot be seriously affected by them. But this observation must be understood to apply to a currency purely metallic, or, at least, when the paper which is connected with it does not exceed the demand for the convenient transmission of money.

3. Gold and silver, when employed by the common consent of nations as the standard of value, are subject to the variations in value from permanent causes. When their quantity is increased more rapidly than the articles which are to be exchanged through their agency, their price will fall, or, what amounts to the same thing, the price of all exchangeable articles will rise. It has been admitted by all intelligent writers upon this subject, that, immediately after the discovery of America, towards the close of the fifteenth century, a sudden and extensive depreciation in the value of these metals occurred; and that, from that time to the close of the eighteenth century, they continued gradually to depreciate. This depreciation, it is believed, has been accelerated during the last century, as much by the substitution of paper for specie, as by the increase in the quantity of those metals during that period, beyond the demand which would have existed for them as currency had that substitution not taken place. The precise effect upon the depreciation of these metals, produced by the partial substitution of paper in various countries for a metallic currency, will not now be inquired into; but it is generally conceded that the depreciation has been more rapid since that substitution than at any former period, except when the accumulated stock of ages in the New World was brought into Christendom, and thence distributed into every other region where gold and silver were in demand. Since the close of the last century doubts have existed whether those metals, even when employed as currency, have not appreciated in value; and it is contended, by the advocates of a paper currency, that this appreciation will probably continue through a long succession of years, and seriously affect all the operations of the civilized world. It is maintained by these writers that the demand for currency at present, throughout the world, is greater than the supply which the existing quantity of the precious metals will afford, without materially depressing the price of all the objects of human industry and human desires. When it is recollected that production is regulated by demand, and that both are directly affected by the quantity of currency compared with the quantity of articles to be exchanged,

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it is readily perceived that an increase in the currency of the world, by the substitution of paper, even when convertible into coin, will increase the quantity of exchangeable commodities in the world beyond what would have existed had such increase of currency not taken place. Under such circumstances, a sudden reduction of the currency, by the rejection of the paper which had been employed, could not fail to derange all the relations of society, by diminishing the quantity of currency, whilst the articles to be exchanged through its agency would suffer no such diminution. An immediate depression in the price of all commodities would be the inevitable consequence of an unequalled return to a metallic currency, upon the supposition that the quantity of gold and silver annually produced should remain undiminished. But, if this return to a metallic currency should be attempted at a period when the annual product of these metals, either from temporary or permanent causes, should have considerably decreased, all the great interests of society would be most seriously disordered; property of every description would rapidly fall in value; the relations between creditor and debtor would be violently and suddenly changed. This change would be greatly to the injury of the debtor; the property which would be necessary to discharge his debts would exceed that which he had received from his creditor; the one would be ruined without the imputation of crime, whilst the other would be enriched without the semblance of merit. Until the engagements existing at the moment of such a change are discharged, and the price of labor and of commodities is reduced to the proportion which it must bear to the quantity of currency employed as the medium of their exchange, enterprise of every kind will be repressed, and misery and distress universally prevail. When this shall be effected, the relations of society, founded upon a new basis, will be equitable and just, and tend to promote and secure the general prosperity.

Such, it is contended by the advocates of a paper currency, are the circumstances under which the principal States of Europe are endeavoring to return to a metallic currency. For a century past the currency of those States has been greatly increased by the employment of paper, founded, it is true, originally, upon a metallic basis. During the last twenty years this paper has ceased to be convertible into specie; and as no systematic effort has been made to prevent excessive issues, it has become redundant, and, consequently, depreciated. Notwithstanding this depreciation, the productions of those countries it is believed have more rapidly increased than those of countries where a metallic currency has been preserved. The efforts that are seriously made by those States to return to a metallic currency, will be the repression of enterprise of every description among themselves. It will be foreseen that the currency must appreciate, and that all other articles must depreciate in value. The effects of this appreciation of money will be first manifested in those States by the fall of the price of all articles which cannot be exported. In the progress of these measures, the price of the ex-

portable articles will also be affected, by the reduction in the currency employed in effecting their exchange. It is even probable that the quantity of exchangeable articles will be diminished. Whilst the appreciation of the currency is perceptibly advancing, the manufacturer will not hazard his capital in producing articles the price of which is rapidly declining. The merchant will abstain from purchasing, under the apprehension of a further reduction of price, and of the difficulty of revending at a profit. It is even probable that the interest of money will fall, whilst the cry of scarcity of money will be incessant. Under such circumstances, loans will not be required, except to meet debts of immediate urgency. None will be demanded for the prosecution of enterprises by which the productive energies of the community will be increased.

As the measures which have been adopted by England and several of the continental States of Europe, for returning to a metallic currency advance, the interest of those States which have adhered to it will be affected. Whilst gold and silver were, in the former States, dispensed with as coin, they were sought for merely as commodities. The quantity necessary for their manufactures was readily obtained without deranging, in any serious degree, the currency of other States.

It has been estimated that from eighty to one hundred and twenty millions of dollars were necessary to England. Taking the mean sum, and admitting that the other European States engaged in the same effort require an equal amount, a supply of two hundred millions of dollars is necessary. The commencement of the measures necessary to obtain that portion of this sum which cannot in a short time be drawn from the annual product of the mines, may not be immediately felt by other States. But when these measures approach their completion; when a large quantity of gold and silver is necessarily withdrawn from the currency of other States, the price of specie will, in the latter, appreciate, and the price of all commodities will decline. All the evils incident to an appreciating currency will be felt in those States, though in a less degree than where a paper currency had been exclusively adopted. The example presented by the return to a metallic currency in France, even in the midst of a revolution, which probably had some influence upon the decision of this question by other States, is believed to be in no degree analogous in its principal circumstances. At the precise period that this change was operating, England and the principal continental States abandoned the precious metals as currency. The supply demanded by France was not only at hand, but was seeking the very employment which that change had made indispensable. At the same time, immense sums were brought into France by her conquering armies, which, being raised by military contributions, had in some degree rendered a resort to paper currency in the United States necessary. At present the civilized world is at peace, and each State is endeavoring, by systematic measures, to secure to itself a just participation of equal and reciprocal

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commerce. The States which are now attempting to return to a metallic currency will find much greater difficulty in effecting this change than was experienced by France.

The demand for gold and silver, as the medium of exchange, cannot be supplied until the price of all exchangeable articles has fallen in proportion to the reduction of the currency, which the abandonment of paper must produce. It is even probable, as has been before suggested, that, after the price of commodities and of labor shall have fallen, so as to bear a just proportion to the currency which is to be employed in effecting the necessary exchanges, the currency will continue gradually to appreciate. This, however, is matter of conjecture. It depends entirely upon the fact, whether the annual product of the mines, after furnishing the quantity necessary for the consumption of the precious metals in manufactures, will be equal to the increased demand for currency, arising from the increase of exchangeable commodities throughout the world. The great advancement in the arts and sciences, the rapid improvements in machinery which characterize the present age, acting through a long succession of ages, cannot fail to augment, in an astonishing degree, all the products of human industry.

It may however be urged that the same improvements will augment in an equal degree the product of the mines, and that therefore the quantity of precious metals in the world will continue to bear to other commodities the same relation which they may assume when the return to a metallic currency is effected. This may be true; but, so far as it depends upon the general principle that the supply of all articles is regulated by the demand, there is reasonable ground of doubt. The maxim, although good as a general rule, admits of exceptions. A demand beyond the supply increases the price of the thing demanded, and invites to the investment of additional capital in its production. But, when the article demanded is to be produced from a material which no investment of capital, no application of skill, can augment, the only effect of such investment and application is to produce the most which the material has the capacity to furnish. Such, in fact, is the case of gold and silver. The material from which they are made is limited in quantity, which neither capital nor skill can augment. It is probable that the improvements in machinery and the art of refining will be counterbalanced by the exhaustion of the mines, or the difficulty of working them, arising from the depth and extent of their excavations. It is therefore possible that the demand for the precious metals, for currency and for manufactures, may exceed the production of the mines.

Previously to entering upon the immediate discussion of the practicability of substituting a paper for a metallic currency, it is proper to observe, that gold and silver derive part of the uniformity of value which has been ascribed to them, from the general consent of civilized States to employ them as the standard of value. Should they cease to be used for that purpose, they would become more variable in their value, and would be regulated,

like all other articles, by the demand for them, compared with the supply in any given market. It is presumed that, if they should cease to be employed as the standard of value by several States, their uniformity of value would be, in some degree, affected, not only in those States where they were considered as mere commodities, but in those where they were still employed as currency. Whenever, as commodities, they should rise in value, a drain would take place from the currency of other States; and when they should fall in value, as commodities, they would seek employment as currency, and render, in some degree, redundant the currency of the States where they are employed. After making due allowance for the depreciation of bank notes in England, from the time of the bank restriction, in 1797, to the present period, the price of gold and silver in that country is believed to have varied more than at any former period. Their price, when compared with bank notes, from the year 1797 to 1808, showed but a slight degree of depreciation—considerably less in all human probability than actually existed. During that interval the demand for those metals was limited in England to the sum required for manufactures. It is highly probable that, if the quantity of the paper circulation had been reduced to the amount of the currency in circulation at the time, or for one year before the restriction, the price of bullion would have been below the Mint price. On the contrary, in the year 1808, when the employment of a British force in Spain created a sudden demand for specie, the depreciation of bank notes, indicated by the price of bullion, was probably greater than that which really existed. In the year 1814, after the Treaty of Paris, the price of bullion, estimated in bank paper, was not above the Mint price; while, in the succeeding year, it rose to more than twenty per cent. above that price: the amount of bank notes in circulation at the former exceeding, in a small degree, that of the latter period. It is impossible that these variations in the price of gold and silver, in the short space of one year, can be entirely chargeable to the depreciation of bank notes. The effect which these variations, in a great commercial State, where the precious metals were considered only as commodities, were calculated to produce upon the currency of the neighboring States, has not been ascertained. The convulsions to which most of these States were subject during that period may account for the want of sufficient data to elucidate the subject. It is, however, highly improbable that these fluctuations were not sensibly felt by them.

Having considered the nature and extent of the variations in value, to which a metallic currency is necessarily subject, it remains to examine whether it is practicable to devise a system by which a paper currency may be employed as the standard of value, with sufficient security against variations in its value, and with the same certainty of its recovering that value, when, from any cause, such variations shall have been produced. It is distinctly admitted that no such paper currency has ever existed. Where the experiment has been

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made directly by Government, excessive issues have quickly ensued, and depreciation has been the immediate consequence. Where the experiment has been attempted through the agency of banks it has invariably failed. In both cases, instead of being used as a mean of supplying a cheap and stable currency, invariably regulated by the demand, for effecting the exchanges required by the wants and convenience of society, it has been employed as a financial resource, or made the instrument of unrestrained cupidity. In no case has any attempt been made to determine the principles upon which such a currency, to be stable, must be founded. Instead of salutary restraints being imposed upon the moneyed institutions which have been employed, the vital principle of whose being is gain, they have not simply been left to the guidance of their own cupidity, but have been stimulated to excessive issues, to supply deficiencies in the public revenue. This is known to have been the case, in an eminent degree, in the experiment which has been attended with most success. The issues of the Bank of England, on account of the Government, were frequently so great as to destroy the demand for discounts by individuals. In consequence of these excessive issues, the interest of money fell below five per cent., the rate at which the bank discounted; the demand for discount at the bank, therefore, ceased. It is, indeed, not surprising that no systematic effort has been made to restrain excessive issues. In the case of banks, the experiments which have been made were intended to be temporary; they were the result of great and sudden pressure, which left but little leisure for the examination of a subject so abstruse.

The employment of a paper circulation convertible into specie, the favorite system of modern States, having, as has been attempted to be shown in a previous part of this report, the inevitable tendency to produce the necessity of resorting, in every national emergency, to paper not so convertible, imposes upon those who are called to administer the affairs of nations the duty of thoroughly examining the subject, with a view, if practicable, to avoid that necessity. If the examination should not result in the establishment of a paper currency, unconnected with specie, it may lead to the imposition of salutary checks against excessive issues, when the necessity of suspending payment may occur.

It has already been said that every attempt which has been made to introduce a paper currency has failed. It may also be said, that of all the systems which, during the discussion of this interesting subject, both in Europe and the United States, have been proposed, none are free from objections. It is possible that no system can be devised which will be entirely free from objection. To insure the possibility of employing such a currency with advantage, it is necessary—

1. That the power of the Government over the currency be absolutely sovereign;
2. That its stability be above suspicion;
3. That its justice, morality, and intelligence, be unquestionable;

4. That the issue of the currency be made not only to depend upon the demand for it, but that an equivalent be actually received;

5. That an equivalent can only be found in the delivery of an equal amount of gold or silver, or of public stock;

6. That whenever from any cause it may become redundant, it may be funded at an interest a fraction below that which was surrendered at its issue.

1. This proposition needs no elucidation. Coinage and the regulation of money have, in all nations, been considered one of the highest acts of sovereignty. It may well be doubted, however, whether a sovereign power over the coinage necessarily gives the right to establish a paper currency. The power to establish such a currency ought not only to be unquestionable, but unquestioned. Any doubt of the legality of the exercise of such an authority could not fail to mar any system which human ingenuity could devise.

2. A metallic currency, having an intrinsic value, independent of that which is given to it by the sovereign authority, does not depend upon the stability of the Government for its value. Revolutions may arise; insurrections may menace the existence of the Government: a metallic currency rises in value under such circumstances; it becomes more valuable, compared with every species of property, whether moveable or immovable, in proportion to the instability of the Government. Not so with a paper currency: its credit depends, in a great degree, upon the confidence reposed in the stability of the authority by which it was issued. Should that authority be overthrown by foreign force or intestine commotion, an immediate depreciation, if not an absolute annihilation, of its value would ensue.

3. It might, however, be saved from such destruction by a well-grounded confidence in the justice and intelligence of the Government which should succeed that which had been overthrown. The history of modern times furnishes examples that are calculated to inspire this confidence. In France, during the revolution which has just terminated, the public debt was reduced to one-third of its amount. The same rule was applied to the public debt of the Dutch Republic, when it fell under French domination. In the successive political changes to which France has, since that period, been subjected, the public debt and the public engagements have been maintained with the strictest good faith. In Holland, that portion of the public debt which had been abolished by the French Government has been restored. In the opinion of well informed men, however, the conditions connected with that restoration were so onerous as to render it almost nominal. Indeed, the public debt in that country had become so disproportionate to the means of the nation when deprived of the resources it enjoyed when the debt was contracted, that the reduction which it underwent while the country was annexed to the French Empire was not generally considered an evil. The reduction of the national debt of France during the Revolution was perhaps equally indispen-

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sable. If the intelligence of the age, and the influence of public opinion, even in States where the reign of law was but imperfectly established, have been sufficient to induce the Governments which have alternately succeeded each other for the last twenty-five years, in France and Holland, to respect the public engagements which had been previously contracted, well-grounded expectations may be cherished that the period is rapidly passing away when the public faith of nations can be violated with impunity.

If public engagements, under such circumstances, have been considered obligatory upon those who have successively administered the affairs of those nations, a reasonable confidence may be reposed in the fulfilment of the obligations which may be contracted by existing Governments, where the reign of law is firmly established. It is not denied that a paper currency furnishes strong temptations to abuse. Millions may be issued in a few days, and the deficiencies in the revenue promptly supplied, if the condition of receiving an equivalent is abandoned. The moment the currency shall be issued as a financial resource, depreciation will follow, and all the relations of society will be disturbed. If the Government of the nation in which a paper currency has been established shall be deeply impressed with this truth, will it not be restrained from the apprehended abuse? Currency of every kind is liable to great abuses. The history of the coinage of every nation whose annals are known, is little more than a detail of the frauds which have been practised by Governments upon the people. Until the twentieth year of the reign of Edward III. of England, a pound troy of silver, of standard fineness, and a pound sterling, were synonymous terms; twenty shillings sterling being, in fact, a pound troy of standard silver. Change followed change in rapid succession, until, in the reign of Elizabeth, a pound troy of standard silver was directed to be coined into sixty-two shillings. This immense change in the value of the currency was effected in the space of about two centuries. In other modern States, during the same period, changes not less important occurred in the coinage. Frequently, these changes were effected by deteriorating the standard fineness of the coin. For more than a century past, the coinage of the civilized world has undergone no material change with a view to the practice of fraud upon the people. Whether this forbearance is to be attributed to an improvement in the morality of modern Governments, or to a more correct understanding of the principles of currency and of the consequences that must result from every change by which the relations of society are affected, it furnishes just ground of expectation that they will not hereafter be attempted. Nothing more is necessary to secure an unalterable adherence to the maxims upon which it is manifestly necessary that a paper currency must be founded, in order to preserve a uniformity of value than the same morality and the same intelligence. Without assuming the principle of the perfectibility of human nature, the hope may be indulged that the nature

of currency will continue to command the attention of statesmen, and that the abuses which have resulted from improper changes in the currency will not again occur in the same degree.

4. When the currency is metallic no addition can be made to it without giving an equivalent. It is indispensable that this condition should be annexed to the acquisition of the paper currency, preliminary to its entering into circulation. If it can be put in circulation only on paying its nominal amount in that which has a general and fixed value, determined by the consent of other nations, it will continue to preserve that value during the time it circulates, unless the relation which it bore at the time of its issue to the quantity of articles the exchanges of which it is destined to perform shall be varied.

5. As a paper currency is issued upon the national credit, the whole property of the nation is pledged for its redemption, whenever, by any circumstance, it may become the interest of the community that it should be redeemed. It is therefore manifest that it should not issue upon the credit of any individual, or association of individuals. A part can never be equal to the whole. The credit of any individual, or association of individuals, cannot be equivalent to that of the nation, of which they form a part. But it may be said that, although the credit of individuals is not equivalent to the credit of the nation, yet an equivalent for a particular portion of that credit may be found in the pledge or mortgage of property of equal or greater value than the currency issued upon it. This may be true; but the value of property has been continually fluctuating: it will continue to fluctuate, after giving to the advocates of a paper currency full credit for the superior stability which they suppose will attempt its substitution for gold and silver as the standard of value. But this is not the only objection to the acceptance of property, as a pledge for the payment, by individuals, of an equivalent for the paper currency which may be advanced upon such pledge. Frauds will be practised by pledging property which is encumbered, which it would be extremely difficult to detect. The Government will be involved in endless litigation with individuals who are interested in the encumbrances by which its rights to the property pledged is embarrassed. In such contests, the interest of the Government is always endangered, even where right is on its side. It is not qualified to enter into such litigations with an equal chance of success. The feelings of the community are always, except in flagrant cases of fraud, upon the side of an individual supposed to be struggling with the overwhelming influence of authority. Besides, in all contests of this nature, something of the respect for the Government, which ought to be cherished by the citizens, especially of a free State, will be lost. The situation is invidious, and ought not voluntarily to be assumed by a Government jealous of its dignity and purity of character. It is therefore believed that a national currency cannot be issued with safety, with a reasonable prospect of success, and with sufficient security against redundancy, but in exchange for gold and silver of

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a definite standard, or for the public stock at certain fixed rates. When issued in exchange for them, and for them alone, there is, though not the same, yet perhaps an equal security against redundancy as in the case of a metallic currency. When it is issued in exchange for coin, there is no addition made to the currency. When it is issued in exchange for public stock, commanding, previously to the exchange, its par value in coin, the party who acquires the currency parts with that which was equal to specie, and is deprived of the annual interest which it produced. Unless the interest of the currency, resulting from its scarcity, should exceed that paid upon the stock, it would not be demanded in exchange for the stock. In either case, the danger of redundancy is extremely remote. By the exchange of specie for currency, the active capital of the country will be increased to the amount of the currency; and the capacity of the nation to redeem it, whenever it shall, by any circumstance whatever, become expedient, will be unquestionable.

But it may be doubted whether, under such conditions, a paper currency ever can be put in circulation. Under a Government firmly established, conducted by upright and enlightened councils, and possessing absolute power over the currency, it is believed there is no just reason to apprehend a difficulty of that nature. If, in such a Government, banks existed, deriving their powers from it, the specie in their possession would be gradually exchanged for the paper currency which would become the basis of their operations. Not only the specie which they possessed would be thus exchanged, but exertions would, from time to time, be made to acquire the sums necessary to support their banking operations. Specie would be imported, even at an expense, for the purpose of being exchanged. Whilst specie formed the basis of the operations of banks, its importation could not fail to be productive of loss; each importation not only producing the necessity of additional importations, but at an increased expense. But, when importations shall be made for the purpose of being exchanged for the currency, the exportation of the specie thus imported will not affect the operations of the banks. It is only when the funding of the currency shall commence, that they will be admonished to desist from further importations. Individuals and banks would likewise exchange public stock at the rates prescribed by the system for the paper currency. Whenever the demand for currency should be such as to raise the interest of money considerably above that produced by the public stock, it would, by banks and individuals, be given in exchange for the currency. But the facility which the existence of a public debt furnishes in procuring the paper currency is counterbalanced by the difficulty of complying with the public engagement to discharge such debt in a metallic currency. After a paper circulation shall be substituted for gold and silver, they will be found in the country only in the quantity demanded for manufactures, and for such branches of commerce as are entirely dependent upon them. A considerable demand for gold and silver by the

Government, to meet its engagements previously contracted, would raise their price, in the market, and render the obligation to discharge those engagements in the precious metals not only extremely onerous, but, perhaps, sometimes impracticable. In such a state, a compromise with the public creditors would seem to be a preliminary measure. This, under any circumstances, would be a measure of great delicacy and difficulty, and, in some cases, would probably be utterly impracticable.

6. Whenever, from any cause, the currency should become redundant, the redundancy may be funded at a rate of interest a fraction below the rate of legal interest.

In determining the rate at which it may be funded, due regard should be paid to the rate of interest previously existing in the State. The rate of interest, it is conceived, ought not to depend (and, where a metallic currency prevails, does not depend) solely upon the amount of currency necessary to perform with facility the exchanges required by the wants and convenience of society. In a new country, where there is but a slight accumulation of capital, the interest of money will be high, notwithstanding there may be even a redundancy of currency beyond what is necessary to effect its exchanges. In such a country, all the objects upon which capital may be employed, except those of the most simple kind, are unoccupied. The currency necessary to effect the exchanges of its property, moveable and immoveable, will be entirely insufficient to satisfy the demand for capital for those objects. If it should be multiplied so as to equal that demand, it would exceed the demand for the necessary exchanges of society, and consequently depreciate; such, in fact, it is believed, would be the consequence of issuing the currency upon individual credit, or upon the pledge of property, at a rate of interest below that which previously existed in the State. Any change of the interest of money by law, previous to its having taken place in individual transactions, in consequence of the accumulation of capital, would be unjust, and could not fail to produce serious inconvenience to the community. Admitting the rate of interest, in a State about to make the experiment, to be six per cent., then the currency should be issued only in exchange for specie, or six per cent. or other stock, according to that ratio. If the currency should, when by any means a redundancy existed, be fundable at five and a half per cent. interest, the utmost depreciation to which it could be subject would be eight and one-third per cent. But it is probable that the real depression in its value would not, at any time, be more than half that amount. Before funding would commence, the public stock receivable in exchange for the national currency would be above the rates at which it was receivable. Its issue upon the exchange of stock would therefore have ceased. There are, in every community capitalists who would prefer lending to the Government at five and a half per cent., than to individuals at six. The funding of the currency would therefore begin before the redundancy would offer

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any general inducement to that mode of reducing it. The variation to which its value would be subject, would therefore be less than eight and one-third per cent. It would be the interest of the Government to reserve the right of redeeming the stock created by funding at its par value, under the condition, however, of redeeming it according to the order of time in which it was created. Connected with this system should be a permission to the banks to purchase public stock, but not to dispose of it, except to the Government, at its par or current value when under par, unless the Government should decline the purchase. The currency, upon being funded, should be invariably cancelled. Under a system of this kind, if no other paper were permitted to circulate than the national currency, a redundancy which would affect its value could only occur by a temporary diminution of the articles which were to be exchanged through its instrumentality. In that event, the price of the articles would be enhanced so as to require a greater amount of currency to effect their exchange. Should the price not be enhanced in proportion to the diminution in the quantity of the articles, that portion of the currency which would, under such circumstances, be left without employment would be funded. A just relation between the amount of currency and the demand for it would be promptly restored, without affecting injuriously the relations between individuals. On the other hand, should a greater quantity of exchangeable articles be produced, the demand for currency would exceed the supply, and lead immediately to additional issues, until the necessary supply should be obtained.

But, in a State where banks already existed which derived their charters from the sovereignty that regulated the currency, where the people were accustomed to bank notes, and in the habit of receiving them, the agency of these institutions might be admitted in supplying a portion of the currency. They might be permitted to issue their notes, payable on demand, in the national currency; their notes would, of course, be issued on personal security. In this case, the currency might become redundant by the issues of the banks. Whenever this should happen, the national currency would be demanded of them for the purpose of being funded; the banks would be compelled to curtail their discounts, to relieve themselves from the pressure; and the amount of the currency would be promptly reduced to the legitimate demand. Wherever the agency of banks should be employed in furnishing part of the circulation, a refusal or omission to discharge their notes, on demand, in the national currency, should be treated as an act of bankruptcy. The national currency, being a legal tender in the payment of debts to individuals and to the Government, would, in relation to the banks, perform the functions of specie, where bank notes are convertible into coin. But, in order to impose a salutary check against excessive issues of bank notes, the national currency should alone be receivable in all payments to the Government.

In an attempt to trace the probable results of a

paper currency, founded upon the principles which have been developed in the preceding pages, the influence which it will have upon foreign exchange requires investigation. The want of stability, morality, and intelligence in the Government which may undertake to substitute a paper for a metallic currency, are the objections which have already been considered. To these, according to common opinion, is to be added the injurious effect which it is supposed it will have upon foreign exchange. In a country where the currency is metallic, an unfavorable state of foreign exchange will probably have the following effects:

1st. To raise the price of exportable articles as much above that which they ought to bear as the premium paid upon foreign bills, until it exceeds the expense of exporting specie to the foreign market.

2d. When this rise exceeds the expense of such exportation, the price of exportable articles will fall gradually below what they ought to command, to the extent of that excess.

3d. Until this fall in their price shall be effected, specie will be exported; after which it will cease.

4th. This fall in their price, by increasing their consumption in the foreign markets, ultimately provides for the return of the specie which had been exported.

5th. During the second and third stages of this process, the price of all articles not exportable is affected in a greater degree, enterprise is damped, and distress prevails.

Such are the necessary effects of an unfavorable state of foreign exchange, where the currency is metallic. As the vital principle of commerce is gain, it is probable that, generally, the price of exportable articles would, in fact, be rather higher than is stated in the preceding deductions. The timid might export specie before the premium upon exchange exceeded the expense of its exportation; but timidity is not the predominant characteristic of commercial enterprise. On the other hand, the sanguine and enterprising, relying upon the chance of better markets, would give higher prices rather than submit to certain loss upon the exportation of specie, or the purchase of bills above par.

In a country where a paper currency has been adopted, and the principles by which a redundancy may be prevented have been enforced, an unfavorable state of foreign exchange will probably have the following effects:

1st. The effect of raising the price of exportable articles as much above what they ought to bear as equals the premium upon foreign bills; but, in this case, gold and silver, being exportable articles, will rise in the same proportion as all other articles.

2d. When the price of all articles is raised so high that a loss will be incurred by their sale in foreign markets, those who have no remittances to make will withdraw from the competition. If profitable investments in other enterprises cannot be made, a portion of the currency, at their disposition, will be withdrawn from circulation, by being converted into funded stock; competition will,

Banks and the Currency.

in this manner, be diminished; the price of articles for exportation will be reduced by the reduction of the currency, and by diminished competition among the purchasers. It is not probable, however, that the price will fall so low as to admit of a profit in foreign markets, as long as the premium upon exchange continues above the ordinary commercial profit upon exported articles. But exportation will not be continued at a certain loss longer than the discharge of debts previously contracted renders indispensable; foreign articles will not be imported, when the loss upon remittances, whether made by bills of exchange, or by the exportation of commodities, is equal to the profit upon importation; the high price given for exported articles will increase their production, and restore foreign exchange to a favorable state. The balance of trade and the rate of foreign exchange, which have given so much trouble to statesmen for two centuries past, when left to the laws by which they will be governed, in despite of human devices, as invariably regulate themselves, as fluids, when unrestrained, find their common level. They will probably more promptly conform to these laws in a State where a well regulated paper currency prevails, than where it is metallic. In the latter, the currency is exported to make up any temporary deficiency, and, by that means, provides against the recurrence of the evil, by indirectly causing an increase of the exportable articles of the State, and diminishing the importation of foreign articles. Until the capacity to purchase these by the exchange of articles shall be restored in the former, as the currency cannot be exported, the importations will be more promptly reduced to the capacity of the country to purchase, whilst the increase of its exportable articles will be the direct, instead of the indirect, consequence of a temporary incapacity to pay for previous importations.

3d. During the whole process of restoring a favorable state of exchange, in a country where a well regulated paper currency prevails, the price of all articles not exportable will suffer no material variation. The funding of the currency, which will probably take place, will not be immediately carried so far as to reduce the price of exportable articles so as to command a profit in foreign markets. They will, so long as the rate of exchange is unfavorable, continue to command higher prices than when the exchange is favorable. This increased price will encourage industry and enterprise, and constantly tend to augment the productive energies of the community. This effect cannot fairly be attributed to any depreciation in the currency. That will continue to bear nearly the same proportion to the exchangeable articles of the State as when foreign exchange was favorable. It is probable, even, that its relation to those articles will be changed, so as to produce an appreciation of the currency; and that this appreciation will be perceived, in a slight degree, in the depression of the value of all articles not exportable. The effects of this appreciation will, however, be diminished by the impulse given to industry and enterprise, by the increased price of all articles which can be exported.

These are conceived to be the effects which a well regulated paper currency will have upon the foreign exchanges, and upon the domestic industry of the country which may adopt it. If the value of currency depends, like that of all other articles, upon the quantity compared with the demand, the idea of its depreciation, in raising the price of articles in the case which has been considered, must be rejected. That this position is incontrovertible, seems to have been admitted by all writers upon the subject. This admission is found in the reports which have been made to the British Parliament; in the evidence upon which those reports have been founded; and in the essays of those who have opposed the paper system in that country since the year 1797. The objection to the paper system, as it existed in England, was the absence of all restraint upon the issue of paper, and the supposed impossibility of imposing any efficient restraint. In fact no attempt has been made to impose such restraint in that country, unconnected with the convertibility of bank notes into the precious metals. So far as this restraint is limited to the convertibility of bank notes into bullion, at any given rate, it is rather an attempt to regulate foreign exchange through the instrumentality of the bank, than to confine the issue of bank notes to the sound demand for currency. The restraint imposed seems to rest upon the idea that an unfavorable state of foreign exchange must be the result of a redundant currency. Nothing can be more incorrect than this hypothesis. Considering the vitiated state of the currency of England for more than twenty years past, it is not surprising that this idea should there be entertained. During that period the unfavorable rate of foreign exchange which generally prevailed was, if not directly, at least indirectly, attributable to the depreciation of their currency. But, in this interval, a favorable rate of foreign exchange more than once occurred. To what could this favorable change be attributed? Certainly not to the depreciation of their currency. But it would be as unjust to attribute every unfavorable state of foreign exchange to the depreciation of the currency, as to ascribe to that currency the credit of any favorable state of such exchange. The truth is, that fluctuations in the exchange between two countries having a metallic currency continually occur, and depend upon principles wholly unconnected with the idea of a depreciated currency.

If these views be correct, the only obstacles to the establishment of a paper currency, by a Government having a sovereign right to establish it, is the danger of the instability and want of integrity and intelligence of the Government. There is certainly just reason to apprehend that emergencies may arise in the affairs of every nation, in which their stability may be menaced, by foreign force or domestic insurrection. In such an event a panic might ensue, and the credit of the currency be utterly annihilated. How far the recent examples which have been adverted to in other States; how far the influence of public opinion over the conduct of Governments may be relied upon, as an efficient preventive against evils of such mag-

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nitude, must be determined by those to whom, under Divine Providence, the prosperity and happiness of nations are committed. The subject involves all the complicated interests of society, except the enjoyment of civil, political, and religious liberty. It ought to be approached with more than ordinary circumspection. In States the best qualified to attempt the change it is environed with doubts, which can only be dispelled by the light of experiment. In the United States these doubts are greatly increased by the complex form of the Government. In the division of power between the Federal and State Governments, the line of separation is not sufficiently distinct to prevent collisions, which may disturb the harmony of the system. Collisions have already arisen, and, in the course of human events, may be reasonably expected to arise, until the line of separation, by which their relative powers and duties are determined, shall be distinctly defined by practice, or by explanatory amendments of the Constitution, effected according to the forms prescribed in that instrument. Upon no question will collision more likely arise than that contemplated by the resolution under which this report is submitted. No attempt to make the change has succeeded. The measure, when stripped of extraneous difficulties, must be admitted to be of doubtful tendency. Under the most auspicious circumstances it may prove abortive; under circumstances in any degree adverse it must inevitably fail. Any obstacle opposed to its execution, by one or more of the State governments, would be decisive of its fate. Their simple acquiescence in the measure would not be sufficient to secure to it that issue to which the principles upon which it might be established would necessarily lead. Their active co-operation would be indispensable. The banks which derive their authority from the State governments are generally bound by their charters to discharge their notes in specie on demand. From this obligation it would be necessary to the system to relieve them. The obligation to discharge their notes upon demand, in the national currency, should be substituted for that of paying them in specie.

If these obstacles should be removed, that connected with the public debt, which has been suggested in a previous part of the report, would still remain. After the substitution of the national currency, gold and silver would be imported only in the quantity required for manufactures, and for the prosecution of those branches of trade in which they are primary articles of commerce. For these purposes the importations would be sufficient. They might even be sufficient, and at a reasonable price, for the payment of the annual interest of the public debt. But after the year 1824, when the sum of \$10,000,000 would annually be expended by the Commissioners of the Sinking Fund, it is probable that the premium which would be paid upon it would be considerable, until the debt was extinguished. A compromise, as has already been suggested with the public creditors, would seem to be a measure preliminary to any attempt to establish a paper currency. It is more than proba-

ble that the attempt would not only be unsuccessful, but that it would injuriously affect the public credit.

It may also be proper to observe, that those sections of this Union where a measure of this kind would be most likely to be acceptable, would probably derive from it the least benefit. In the West and in the South, the complaints of a deficient currency have been most distinctly heard. In the latter these complaints are of recent date. In both, they proceed in a greater degree from the disbursement of the public revenue than from any other cause. The great mass of public expenditure is made to the east of this city. The revenue accruing from imports, though principally collected in the Middle and Eastern States, is paid by the great mass of consumers throughout the United States. That which is paid for the public lands, although in some degree drawn from every part of the Union, is principally paid by the citizens of the West and the South. The greatest part of the revenue accruing from the public lands, as well as that collected in the Southern States, upon imports; has been transferred to the Middle and Eastern States to be expended. The necessity of making this transfer arises from the circumstance that the great mass of the public debt is held in those States, or by foreigners, whose agents reside in them; and from the establishments of dock yards and naval stations in their principal ports. This transfer will continue to be necessary until the public debt shall be extinguished, and until the other expenditures of the Government can, consistently with the public interest, be more equally distributed. If a national currency should be established, the demand for it in the Southern and Western States, for the purpose of transmission, would be incessant; whilst its return, by the ordinary course of trade, especially in the latter, would be slow, and in some degree uncertain. The currency being everywhere receivable by the Government, would, for the purpose of remittance, be more frequently demanded in that section than specie, for the same reason that the notes of the Bank of the United States and its offices command there, at this time, a premium in specie. As the transfers of the public money are made by the Bank of the United States, the excitement produced by the demand for specie, or funds that can be remitted consequent upon such transfers, has been directed against that institution. All the evils which the community, in particular parts of the country, has suffered from the sudden decrease of the currency, as well as from its depreciation, have been ascribed to the Bank of the United States, which, in transferring the public lands, has been a passive agent in the hands of the Government.

It is, then, believed that the evils which are felt in those sections of the Union where the distress is most general, will not be extensively relieved by the establishment of a national currency. The sufferings which have been produced by the efforts that have been made to resume and to continue specie payments have been great. They are not terminated, and must continue until the value of property and the price of labor shall assume that

Interest on Outstanding Mississippi Stock.

relation to the precious metals which our wealth and industry, compared with those of other States, shall enable us to retain. Until this shall be effected, an abortive attempt, by the substitution of a paper currency, to arrest the evils we are suffering, will produce the most distressing consequences. The sufferings that are past will, in such an event, recur with additional violence, and the nation will again find itself in the situation which it held at the moment when specie payments were resumed. I have the honor to be, &c.

WM. H. CRAWFORD.

The Hon, the SPEAKER
of the House of Representatives.

[The tabular statements of details, being very voluminous, are omitted.]

INTEREST ON OUTSTANDING MISSISSIPPI STOCK.

[Communicated to the Senate, March 3, 1820.]

TREASURY DEPARTMENT,
March 2, 1820.

SIR: In obedience to a resolution of the Senate of the 23d ultimo, referring to this Department the petition of Henry Remsen and others, stating, among other things, that they are largely interested in Mississippi stock, issued under an act entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," that the outstanding stock created under that act was, on 10th December, 1819, \$1,909,576 81; and that it appears, by the reports of the Secretary of the Treasury, that sales of lands to an amount much exceeding the outstanding Mississippi stock have been made, but that the memorialists have not been able to ascertain at what period the claims of the State of Georgia have been satisfied, so as to entitle them to have their certificates paid; and stating that they consider themselves entitled to interest on the amount of their certificates from the period when the sales have amounted to a sum sufficient to pay the same, whether the amount was in the Treasury in money, or in obligations bearing interest; I have the honor to submit the enclosed proceedings of the Commissioners of the Sinking Fund, which will, it is believed, sufficiently explain the nature of the claim of the memorialists.

By referring to the act under which this claim has originated, it will be seen that the claim to interest, before the money is received into the Treasury, is without foundation. Their claim is to the money in the Treasury arising from the sales of the lands pledged, and not upon the United States for money due for those lands. As the act does not prescribe the manner in which the payment is to be made, when there shall be money in the Treasury applicable to the discharge of the outstanding stock, it is presumed that the United States have the right to direct the mode in which it shall be effected. The principle adopted by the Commissioners of the Sinking Fund is believed to be equitable and just. Indeed, doubts may well

exist whether the obligation to pay is perfect, until a sum shall have been received sufficient to discharge the stock.

By returns which have been received subsequently to the annual Treasury report of the 10th of December last, it is ascertained that the stock which has been received to the 1st of January last amounts to \$2,435,216 18, leaving \$1,846,934 94 outstanding; and that the receipts in money to the same period amounted to \$2,800,408 11; from which the sum of \$1,250,000 due to the State of Georgia, and \$311,148 91, for the expenses of surveying, being deducted, leaves in the Treasury the sum of \$1,239,259 20 applicable to the payment of the outstanding stock, which is equal to sixty-six per cent. thereof.

I have the honor to be, very respectfully, sir,
your most obedient servant,

WM. H. CRAWFORD.

HON. PRESIDENT OF THE SENATE.

At a meeting of the Commissioners of the Sinking Fund—present, John Gaillard, President of the Senate *pro tem.*; John Marshall, Chief Justice of the United States; John Quincy Adams, Secretary of State; William H. Crawford, Secretary of the Treasury; William Wirt, Attorney General:

The Secretary of the Treasury reported that the stock issued under the act of the 31st of March, 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," amounts to \$4,282,451 12; that, of this sum, there has been received at the Treasury and cancelled \$2,435,216 18; and that there is now outstanding the sum of \$1,846,934 94; that, of the proceeds of the public lands in the States of Mississippi and Alabama, after satisfying the claims of the State of Georgia, and the expenses of surveying said lands, there remains in the Treasury, applicable to the discharge of the said stock, the sum of \$1,239,259 20; that this sum is equal to sixty-six per cent. of the stock outstanding: whereupon,

Resolved, That the Secretary of the Treasury is hereby directed to apply the said sum of money in discharge of the said stock, in the proportion of sixty-six per cent. of each certificate thereof which may be presented at the Treasury upon and after the 15th day of May next.

J. GAILLARD, *Pres. Senate pro tem.*

J. MARSHALL, *Chief Justice U. S.*

JNO. Q. ADAMS, *Secretary of State.*

W. H. CRAWFORD, *Sec'y Treas.*

WM. WIRT, *Attorney General.*

FEBRUARY 26, 1820.

NEW YORK, February 10, 1820.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned respectfully sheweth: That they are largely interested in Mississippi stock; that, by the certificates issued under the authority of an act of Congress passed in March, 1814, it is certified "that the amount is payable

Remonstrance against a change in the Revenue System.

out of the first moneys in the Treasury of the United States arising from the sales of public lands in the Mississippi Territory, after the money due to the State of Georgia and the expenses of surveying such lands have been satisfied."

That it appears, by the reports of the Secretary of the Treasury, that the amount outstanding of the awards made by the commissioners appointed for indemnifying certain claimants of public lands, which it is understood includes the Mississippi stock, was, on 10th December, 1819, \$1,909,576 81; that it appears, by the reports of the Secretary of the Treasury, that sales of lands to an amount much exceeding the outstanding balance of Mississippi stock, have been made, but your memorialists are unable to ascertain at what periods enough had been sold to satisfy the claims of the State of Georgia, and to entitle your memorialists to have their certificates paid. Your memorialists respectfully submit, that they consider themselves entitled to interest on the amount of their certificates from the period when sales of the lands pledged for the redemption of this stock have been made sufficient to pay the same, whether the amount was in the Treasury in money, or in obligations bearing interest; inasmuch as it cannot be doubted that such security has been taken as to the wisdom of the Government was deemed sufficient to render the final payment certain, and inasmuch as, on a different construction, the United States would be receiving interest for a delay of payment, manifestly at the expense of your memorialists.

Your memorialists, relying confidently in the justice of Congress, therefore respectfully pray that a law may be passed authorizing the Secretary of the Treasury to redeem the Mississippi stock, with interest, from the period when it shall appear from the returns in the proper offices that sales to an amount sufficient to pay off the same have been made.

| | |
|--------------------|-------------------------|
| Henry Remsen, | Hurd & Sewall, |
| John Fleming, | John G. Warren & Son, |
| S. M. Coun, | Nevius J. Townsend, |
| S. Flewwelling, | Gulian Ludlow, |
| Daniel Boardman, | John Mowatt, jun., |
| W. Goelet Bucknor, | Samuel Jackson, |
| B. Huntington, | Henry D. Sewall, as ex- |
| Robinson & Benson, | ecutor of S. Sewall. |

**REMONSTRANCE AGAINST A CHANGE IN
THE REVENUE SYSTEM IN RELATION
TO CREDIT.**

[Communicated to the House, March 11, 1820.]

*To the Senate and House of Representatives of the
United States in Congress assembled:*

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth: That your memorialists entertain, and beg leave to submit to your consideration, the following sentiments upon propositions which have been introduced to your notice, for a very important change in the revenue system of the United States.

That the scheme which was adopted at the commencement of our fiscal system, for the collection of duties on foreign imports, was wise, and well adapted to the state of the country, has, perhaps, never been questioned. Its excellence has been tested by nearly thirty years experience; and it may safely be said, that the advantages which were contemplated by the framers of this system have been secured. The Government has received its revenue with punctuality; it has sustained no loss by reason of the credit for duties, which deserves consideration. The collection has been made with the least possible expense; and a widely extended, active, and vigorous commerce has contributed largely to the stock of national wealth and prosperity.

In considering the proposition to abolish a system of credit which experience has thus approved, it becomes proper to inquire what are the evils which are supposed to be connected with the existing system, and what are the advantages which are expected to result from a change?

It is supposed by those who advocated a change, as your memorialists understand, that the credit for duties has furnished capital for an extension of business, and that from this cause have proceeded the embarrassments and difficulties which have been felt throughout the country.

The credit for duties is not intended, nor is it fairly to be considered, as putting the use of a capital into the hands of the merchant, because it does not in reality afford him a capital to trade upon, but simply relieves him from the burden of making an advance beyond his means. Its object is rather to be just than to be generous; and it is as wise and politic in relation to the community at large, as it is just to the importer. The foundation of the credit is the fact that the goods do not produce their price immediately upon importation; and the principle, that it would be unjust that the importer should be in advance to the Government for the duty, and severe upon the consumer that he should bear the heavy consequences of such an advance. It is, therefore, a wise and sound calculation, that, by allowing to the importer, upon good security, time, according to the nature of the commodity, to make his sales, the Government will receive its dues when it ought to receive them; and no one will suffer, as would be the case by an anticipation of the payment of duties on articles which oftentimes are long retained by the importer, and, when sold, are necessarily sold upon a liberal credit.

Your memorialists believe this view of the system to be correct; and, although instances may occur in which this credit is abused, and is made to furnish the means of wild adventure, it is an unsound argument to draw therefrom an inference against the system.

Your memorialists are convinced, upon these grounds, that the opposers of the present system of credit for duties entertain mistaken views in relation to the nature, policy, and operation of the system itself, in supposing that it furnishes a capital to trade upon, and has a connexion with the evils and embarrassments which afflict this country.

Duty on Imported Molasses.

The capital of the country has doubtless increased, and, at particular periods of time, it may be that even more is devoted to commerce than can be profitably employed. Whenever this is found to be the case, there can be no doubt that the surplus will readily find its way into other channels, and seek for employment in more profitable modes.

But it cannot be pretended that there is an excess of capital in the country; and, until that shall be the case, it would seem to be unwise to condemn to a state of inactivity so great a portion as would, by the plan proposed, be continually in deposit in the public stores.

And further, your memorialists are convinced that the reasoning is erroneous which is founded upon the supposition that an extension of capital, or credit equivalent to capital, would be productive of mischief.

It is not alleged, as your memorialists believe, by the advocates of a change, that it would promote the great objects which are ever to be regarded in relation to revenue—security of the debt, punctuality in its payment, and ease and economy in its collection. On the contrary, it must be doubted whether, if a system of deposits of public stores were established, the collection would not be more expensive, and the payment less certain and punctual, than at present. It is well known that, in times past, the calculations of the Treasury upon the receipt of duties have been made without disappointment; and that this portion of the public income is collected without oppression or inconvenience to those who pay, and with little expense to the Government. So far, then, as relates to the great interests of the Treasury, the contemplated change seems to promise no advantage.

If the proposed change should be effected, your memorialists conceive that much mischief would unavoidably ensue.

The men of moderate capital, however deserving of confidence, and however active and skilful in the prosecution of business, would be driven from the field; and it would be occupied alone by men of large capital, who could bear the burden of heavy advances for duties upon unsold goods. Even these would probably be foreign agents, who, by a system of exchange, could comply with the requisites of law, without, in fact, making the same advances as must be made by the American merchant. We should exchange a certain for an uncertain revenue; the expense of collection would be increased; and if the perils of fire, waste, pillage, and sacrifice by sale of unredemmed goods, be regarded, it may be said that the ultimate product would, no doubt, be diminished.

But, above all, your memorialists beg leave to suggest that the present state of the country is adverse to such a measure as that proposed. At a moment of general embarrassment, to call for such advances as this plan requires would make the embarrassment doubly felt, and give a most serious blow to the commerce of the country.

Your memorialists hereupon express the earnest hope that there will be a firm and unyielding adherence to the system of credit, which is founded in justice and a wise policy, and which has been

approved by the experience of many years; and that the mere hope of escaping from present evils, by an untried way, opposed to such experience, will not be permitted to influence the Government to an abandonment of this system.

ROBERT RALSTON,
President of the Chamber of Commerce.

Attest: JOHN VAUGHAN, *Sec'y, C. C.*
PHILADELPHIA, March 6, 1820.

DUTY ON MOLASSES.

[Communicated to the Senate, April 13, 1820.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The subscribers, being merchants, distillers, and owners of distilleries, in the town of Boston and its vicinity, beg leave respectfully to represent: That the proposed increase of duty on molasses will, if carried into effect, prove not only injurious to them, but, through them, to the most important interests of our country.

In the first place, the consumption of molasses for the purpose of distilling enables the West India planter to buy the produce of our fisheries, soil, and domestic industry, and to pay for it in an article which, being bulky, furnishes employment and freight for an immense tonnage, and is a raw material, which, in the process of manufacture, gives employment to as great a portion of the active industry of the country as any branch of business whatever. And your memorialists cannot see why a raw material, and principally for the manufacture of rum, should be chargeable with a duty equal to one-half its first cost, when hides, skins, copper, brass, tin, dye-woods, rags, and a variety of other raw materials, are suffered to be imported duty free. Nor can your memorialists understand the policy which should thus paralyze, and perhaps destroy, a very old manufacture, the very buildings and apparatus of which, in the various establishments of this commonwealth, may be estimated at one million of dollars; making, annually, from thirty to forty thousand hogsheads of rum, and furnishing the means of subsistence for thousands of persons; furnishing a most important article of trade, for our coasting business; and creating a demand, for putting up the molasses and rum, of one hundred and sixty thousand casks.

Your memorialists might enter into a great variety of details to show the importance of the distilling business to the public; but it must be obvious to your honorable body, without the necessity of its being forced on your observation, that the active industry of the country, employed in the importation of fifty of sixty thousand hogsheads of molasses into the United States; the wharfage, cartage, cooperage, storage, and labor, consequent on the landing; the vessels employed to bring the molasses; the seamen who navigate them; the labor, wood, carting, and other expenses necessary to convert it into rum; the casks, coop-

Protection to American Manufactures.

erage, carting, and tonnage necessary to distribute the rum to its various consumers—that these operations of trade, consequent to, and connected with, the distilling business, being considered, it may safely be affirmed that, with the sole exception of the manufacture of flour, there is hardly another species of manufacture which sets in motion and supports such a large and important portion of the productive industry of the United States as the distillation of rum.

In addition to what your memorialists conceive the injustice of taxing the raw material used for one species of manufacture, when the principal raw materials for other species of manufactures are imported duty free, your memorialists beg leave to state that, in New England, generally, the consumption of molasses by the poor, always great, has increased, and is increasing, since the diminished value of all our own products; the consumers being unable to afford to pay for sugar, as formerly.

Your memorialists may be suffered to remark, with some surprise, that in a tariff of duties, purporting to encourage domestic manufactures, the raw materials for such a manufacture as the distilling of rum from molasses (one of the oldest manufactures in the country, and intimately connected with the lumber, fishing, coasting, and West India trade) should be taxed, as before stated, to about one-half of its first cost.

NATH. HALL, *and others.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, April 15, 1820.]
To the Senate and House of Representatives of the United States:

The memorial of the Pennsylvania Society for the encouragement of American manufactures respectfully sheweth: That your memorialists have read, with the deepest regret, two remonstrances presented to your honorable Houses, from agricultural societies in the State of Virginia, deprecating your interposition, in favor of the manufacturing part of the community.

These documents, containing sundry allegations injurious to your memorialists, and resting, as shall be made to appear, on an unsound basis, require a detailed investigation, to which we respectfully request your attention.

We must premise, that we should have hoped that the ruin of so many of the manufacturers, the depressed state of those who have hitherto escaped the situation in which their brethren have been involved, and the distresses of that class whose sole dependence is on their labor, would have prevented this unkind interference, calculated to continue their sufferings; that the generous sympathy which their situation ought to have excited in the breasts of fellow-citizens, embarked in one common cause, would have averted this hostility, even had all the allegations of the remonstrances been irrefragable; whereas, we hope

to prove that such as are of any importance are easily susceptible of refutation. The disappointment fills us with surprise and regret, and is ill calculated to foster those kind regards and attachments which ought to subsist among members of the same community, and which we have always cherished towards our agricultural fellow-citizens.

But our appeal and that of our brethren has not been made to the generosity or compassion of our fellow-citizens. We appeal to their honor—to their justice. We ask, at length, after a lapse of thirty years in which the Government has existed, for a share of that protection so bountifully bestowed upon commerce, and which agriculture, as will appear, has abundantly enjoyed.

The allegations of the agricultural societies are principally confined to three points:

1. The extortions said to have been committed by manufacturers during the war.

2. The danger and oppression of monopolies, exclusive privileges, &c.

3. The injustice of affording protection to manufactures, when agriculture disclaims all protection.

There are sundry minor points, which we shall pass over, in order to avoid prolixity.

The charge of extortion is couched in these words:

“We submit respectfully to your wisdom the impolicy of subjecting so large a portion of your fellow-citizens to such unreasonable cupidity; of laying them at the mercy of an association, which, competition being removed, will no longer consider the intrinsic value of an article, or what price would afford a fair profit to the manufacturer, but how much the necessities of the consumer would enable them to extort. Of this spirit we had a sufficient specimen during our late contest with Great Britain.”

This uncharitable accusation we hope to prove wholly destitute of foundation. The article on which it chiefly rests is superfine broadcloth, which was raised from eight or nine dollars, the price before the war, to twelve, thirteen, and fourteen, during the war. The reasoning applicable to this case applies with equal force to all the others.

All doubt of the injustice of this allegation will be laid at rest forever by the simple fact that merino wool, the raw material of that cloth, which, before and shortly after the commencement of the war, was sold at seventy-five cents per pound, was raised during the war to three and four dollars—an advance of three hundred per cent.; so that there was less profit per cent. on the capital employed by the manufacturer at high prices of the cloth, so much the subject of complaint, than at the former moderate price.

We trust that this strong fact, which can be judicially proved at the bar of your Houses, will prevent any man of honor or candor, as he values his reputation, from ever again repeating so unfounded an accusation.

But if we have never retorted this charge against our accusers, if we have forborne recrimination, it has not been for want of materials, but from an

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unwillingness to cherish an unkind and unfriendly spirit towards our fellow-citizens. And now, notwithstanding the repeated and wanton provocations we have received, we resort to the measure with pain. We should gladly have buried in oblivion all our causes of complaint, and cherished a kind and fraternal spirit, in the hope of exciting a suitable reciprocation. But the style and manner of the accusations against us, their unceasing repetition, the hostile disposition they display, and the ruinous consequences they are calculated to produce on the general welfare of the nation, render it a duty to ourselves, to our country, and to the cause of truth, to prove that our accusers are far from invulnerable in this point, and are under high obligations to us for past forbearance.

In the year 1788 flour was four dollars per barrel in our seaports, which was regarded as a fair and liberal price. In the next year the demand for the supply of France took place, and this article was raised to five and six dollars; from year to year afterwards it rose to ten, twelve, and fourteen dollars; and probably it averaged, during the whole of the French revolution, above ten. We submit to a candid world whether this fact does not more completely establish the charge of "extortion," than the rise of broadcloth from eight or nine to fourteen dollars, or even to thirty, had it taken place, when the raw material rose from seventy-five cents to four dollars per pound; and whether the rise on the wool itself is not incomparably more "extortionate" than that on the broadcloth? The latter was not only justifiable, but imperiously necessary, by the rise which we have stated on the raw material; but, for the rise on wool or flour, no such reason existed. It did not proceed from any advance "in the intrinsic value of the article," to borrow the words of the Petersburg remonstrance, "nor from a consideration of what price would afford a fair profit to the" farmers; "but how much the necessities of the consumers enabled them to extort."

At the same period (1788) butter was ten cents per pound; beef and pork five cents; tobacco three or four; and all other agricultural articles in the same proportion. They have since been raised from one to two hundred per cent. above those prices. Yet we have never alleged against the farmers or planters the odious charge of "extortion," at which they would have revolted. Have they, we ask, a right to raise their prices one or two hundred per cent. at pleasure, when the demand warrants it, without "extortion;" and yet to wound the feelings and injure the characters of their fellow-citizens, by the odious imputation of "extortion," when the advance of the raw material by themselves renders a rise of manufactures necessary? If this be a chartered privilege, we wish to know whence it is derived, and by what tenure it is held. Seriously, we presume this to be the strongest illustration of the parable of the beam and the mote that the variegated history of mankind presents.

Flour is now four dollars and seventy-five cents per barrel on the seaboard. Should war or famine take place in Europe, the price would be immedi-

ately raised one, two, three, four, or five dollars per barrel; and in proportion to the intensity of the distress would be the tax levied on the consumers in this country. There are about three millions of white people in the United States not engaged in agriculture, who consume, on an average, two barrels of flour per annum. A rise of three dollars, which might take place immediately, in case of a very extraordinary demand, would amount, on this article, to a gain of eighteen millions of dollars, levied by the farmers on the rest of the community during the ensuing year, exclusive of probably an equal amount on all other agricultural productions, liable to a proportionate advance of price. And this is not a mere hypothesis of what may occur; it is the history of the last thirty years, and of the immense prices (again to borrow the vituperant language of the remonstrance) which "the necessities of the consumers have enabled" the farmers "to extort."

Nothing but the endless, the irritating misrepresentations we have experienced, would induce us to retort this strong language upon our accusers.

The United Agricultural Societies of Virginia prefer a claim to a high degree of superiority over the other classes of the community, which calls for observation. They state that—

"In every nation, with whose internal affairs we are familiarly acquainted, the landed interest has been proverbial for their liberality in comparison with any other class."

It is unfortunate that this assumption of liberality appears in an instrument, the direct object of which is to bar the door to the relief of their fellow-citizens, and to consign them and their families to that wretchedness and ruin which has befallen so many of their brethren! Before this claim to "proverbial liberality" can be admitted, proofs must be adduced different from the document in which it is asserted. The contrast between this strong assumption and the object of the remonstrance, though very striking, is not uncommon. Every day's experience so strongly proves the extreme discrepancy between profession and practice, that no illustration can be necessary.

The societies distinctly hold forth to the world that agriculture neither has been, nor is, secured by "protecting duties." They state—

"We solicit not the fostering care or patronage of the Legislature to alleviate, by bounties, monopolies, or protecting duties, calamities in their nature as inevitable as they are incurable by legislative interposition."

The Fredericksburg Society also state—

"We ask no tax upon manufacturers for our benefit. Neither do we ask any thing of Government, to enable us to cultivate the soil as we could wish."

The high character of the members of those societies forbids the supposition that this was an intentional misstatement. We are, therefore, inexpressibly astonished at the utter unacquaintance with the real state of the case betrayed in these quotations, which evinces how superficially these gentlemen studied the subject on which they un-

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dertook to interpose to prevent the success of our applications for relief.

The view they present is so far from fact, that it is the reverse of fact. The average of duties on such agricultural productions as are usually imported into this country has been, from the commencement of the Government, far higher than those on manufactures.

We will state the case at two periods, remote from each other, viz., 1789 and 1820. The intermediate space exhibits the same features.

In the former period, cheese was subject to a duty equal to fifty-seven per cent.; indigo sixteen, snuff ninety, manufactured tobacco one hundred, coals fifteen, hemp and cotton twelve; whereas, seven-eighths of all the manufactures imported, including cottons, woollens, and iron, were subject to only five per cent. This, we presume, is full proof of the inequality of the system of legislation with which the Government commenced, and of the care with which the agriculturists, who formed the great mass of the National Legislature, guarded their own interests.

Hemp, at present, is subject to a duty equivalent to twenty-six per cent.; cotton thirty, cheese ninety, spirits eighty, snuff seventy-five, manufactured tobacco one hundred, coals thirty-eight and a half, sugar thirty-seven and a half, and potatoes fifteen—averaging fifty-eight per cent. Few other articles, the product of the earth, are imported; but they are all, except three or four, subject to fifteen per cent.

Of the manufactures imported in the year 1818, one twenty-fifth part paid a duty of seven and a half per cent., one-third fifteen, one-sixth twenty, two-fifths twenty-five, and one twenty-fifth part thirty per cent.*

On this striking contrast, which affords no proof of "the proverbial liberality" of the landed interest, we offer but a single comment. It adds one to the numerous melancholy instances with which history abounds, that where one particular interest predominates in a legislative body, the others rarely experience impartial justice. We will notice only one article, which places in a strong point of light the different degree of protection experienced by agriculture and manufactures. Cotton, a raw material, is subject to a duty of thirty per cent., and the freight is about the same. The cotton planter has therefore a protection of sixty per cent.; whereas fine muslins and cambrics pay but twenty-seven and a half per cent. duty, and the freight is not more than one or two per cent. Thus, the planter, who disclaims the idea of "protection," has an advantage over his manufacturing fellow-citizens of above thirty per cent., independent of the immense difference between the pro-

tection necessary for articles produced by agriculture and those by machinery. It may be assumed, without danger of contradiction, that cotton would be better protected by a duty of twenty per cent. than cambrics or muslins by sixty or seventy. We do not find that the tariff of any other country whatever presents such an extraordinary feature.

Great emphasis is laid, by the agricultural societies, on the danger of "monopolies granted to one class or order at the expense of another."

This forms a fertile theme, on which they descend very freely. They remonstrate against—

"Unequal and partial taxes, awarding exclusive privileges, or sustaining the manufacturers in the enjoyment of oppressive monopolies, which are ultimately to grind us and our children after us to dust and ashes."

"In this way alone can the benefits of good government be equalized among the various orders and classes of society, the prosperity and happiness of which depend not upon immunities, privileges, and monopolies granted to one class or order at the expense of another," &c.

We are constrained to state, that the want of due consideration which prevails throughout the remonstrances is here very conspicuous. Monopoly, according to Johnson, means "the exclusive privilege of selling any thing." And a monopolist, according to the same authority, is "one who, by engrossing or by patent, obtains the sole power or privilege of vending any commodity." There is not, therefore, such a thing or person in this country as a monopoly or monopolist; nor, while our present Constitution exists, can there be a monopoly. For, suppose manufactures of wool, cotton, iron, and leather were altogether prohibited, those branches would be open to the admission, and consequently to the competition, of any part of the community—to farmers as well as others, and even to capitalists from any and every part of Europe, if they judged proper to embark in them. Where, then, is the monopoly?

While the agricultural societies were thus denouncing what they thought proper to brand with the odious term "monopoly," they did not reflect that they were themselves far more liable to the accusation than those against whom they preferred it. The great mass of the manufactured articles purchased by the farmers and planters of the Southern States, and probably one-half of what are purchased by those in the others, are imported. Whereas, the manufacturers of the United States have not consumed of foreign articles of food and drink, since the organization of the General Government, two per cent.

Thus, while there has been an incessant clamor against "the monopoly" of the manufacturers, whose market is open to and engrossed by rivals from half the nations of Europe, it appears that the farmers and planters have what they term "a monopoly;" which, however, is only an exclusive supply of the home market. It may be doubted whether a more extraordinary case is on record.

We shall conclude our observations on those memorials with one further extract.

"To guard" (the Fredericksburg Society ob-

| | | | | | | |
|---------|---|---|---|---|---|-------------|
| * At 7½ | - | - | - | - | - | \$2,387,693 |
| At 15 | - | - | - | - | - | 19,455,525 |
| At 20 | - | - | - | - | - | 9,524,531 |
| At 25 | - | - | - | - | - | 24,804,188 |
| At 30 | - | - | - | - | - | 2,633,637 |

\$58,805,574

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serves) "against the possibility of misapprehension, we take this occasion to say that we are incapable of feeling any thing like enmity against manufacturers, or any other useful description of citizens, but heartily wish them all the success to which their skill and industry may entitle them, in whatever way applied."

This declaration would have been more acceptable, and claimed our gratitude, had it not accompanied an attempt, on the part of those who make it, to do us all the injury in their power to inflict; to prevent a compliance with our just claims, and to perpetuate our present intolerable sufferings.

Your memorialists regret to find that the same adverse spirit towards them that prevails among these small bodies of their agricultural fellow-citizens has been excited among a portion of the mercantile class. They request your favorable hearing of a few remarks on the memorial of the merchants of Salem on this subject. It "calls the attention of Congress to measures that have recently been proposed, and apparently approved, for the purpose of prohibiting the importation of foreign woollen and cotton goods."

Your memorialists are constrained to state that this view is very uncandid. They never did contemplate "a prohibition of foreign cotton and woollen goods," generally. There is not a sane man in the country who, if he had the power, would enact a total exclusion. A large portion of those goods is not, and for a long time to come cannot be, manufactured in this country, and therefore must be imported. Your memorialists deprecate and solemnly protest against the influence of a system which has been heretofore too successfully pursued; that is, defeating their fair and legitimate objects, by ascribing to them views which they wholly disclaim. Of this unfair system, their dearest interests have been frequently the victims. Were it necessary, they could produce numerous instances of early and recent date.

"If we are not willing to receive foreign manufactures, we cannot reasonably suppose that foreign nations will receive our raw materials."

"We cannot force them to become buyers when they are not sellers, or to consume our cottons when they cannot pay the price in their own fabrics."

"We cannot expect them to carry on a ruinous trade, when the profit is all on our side."

These paragraphs are liable to the exceptions urged against the preceding one. They assume the extraordinary idea, (which insanity alone could harbor,) that importation is expected to be wholly prohibited. All that is necessary for the restoration of the country, and for the prosperity of the manufacturers, is such a modification of the tariff as will reduce our imports within the limits of our exports, and prevent our manufactures and manufacturers from being overwhelmed by the inordinate inundation of foreign fabrics.

"While the manufacturers are left free to engage in their own peculiar pursuits, enjoying, in common with others, a reasonable protection from the Government, the memorialists trust it is no undue

claim on their part to plead for the freedom of commerce also, as the natural ally of agriculture and naval greatness."

There is an assumption here of "freedom for the manufacturers," which is not warranted by the fact. When their business is annihilated, and themselves ruined by the immoderate introduction of foreign merchandise, as has occurred to too many of them, can it be said that they "are free to engage in their own peculiar pursuits?" We will render this plain, by applying it to the case of the merchants. The vessels employed in the coasting trade for thirty years have averaged about four hundred thousand tons annually. Were foreign vessels allowed to engage in that trade, to the amount of three hundred thousand tons, would it not be a mockery were the merchants informed, while their ships were rotting at the wharves, and themselves reduced to bankruptcy, that "they were free to engage in their own peculiar pursuits?" And is it not a perfectly analogous case, when the manufacturers are ruined, and their machinery rotting and rusting through the extravagant influx of foreign articles, to be gravely told that they are "free to engage in their own peculiar pursuits?"

"It is a sound political maxim, that the more free trade is, and the more widely it circulates, the more sure will be its prosperity. Every restriction which is not indispensable for the purposes of revenue is a shoal which will impede its progress, and not unfrequently jeopard its security."

The doctrine here advanced, on the broad and unqualified scale on which it is predicated, is unsound and contrary to the practice of the most prosperous States, and to the principles of the wisest statesmen. Can the prosperity of trade be promoted by the free introduction of foreign luxuries, which destroy the industry of our own citizens? Has it been promoted by the immoderate quantities of goods imported into this country, whereby its circulating medium has been exhausted, and an enormous debt contracted for articles which our own citizens could have supplied?

To test this plausible maxim, which has done infinite injury to this country, we will, as in the former case, apply it to the merchants themselves. The use of foreign vessels is almost virtually prohibited in this country by "restrictions not indispensable for the purposes of revenue." Suppose these "restrictions" were removed, and that foreign vessels were entitled to the same privileges as our own, what would be the consequence? They would be employed here in large numbers, to the ruin of the merchants and ship-builders. Would they not, in that case, as zealously contend against the maxim as they now uphold it? And can there be any just reason why the manufacturer, entitled to equal rights with the merchant, should be ruined by foreign rivals, and the merchant secured against this rivalry? In the scales of impartial justice, the rights of each ought to have equal weight.

Although the merchants of Salem invoke Congress in such emphatical terms to support that "freedom of trade" which impoverishes the nation,

and, by exposing their manufacturing fellow-citizens to the competition of rivals in every quarter of the world, has ruined so large a portion of them, there is scarcely a session in which the mercantile interest does not memorialize Congress for protection against foreign competition. On this conduct, so partial to themselves, and so excessively unkind to us, we dare not trust ourselves to comment.

It would extend this memorial to an unreasonable length if we particularized one-half of the "restrictions" of foreign commerce in favor of our merchants. We shall confine ourselves to a few prominent cases to prove that this maxim, now so zealously urged, has had no weight when the interests of that class were at stake; and that the "restrictions" on foreign commerce which they succeeded in obtaining, were not only "not indispensable for the purposes of revenue," but in many cases pernicious to it.

When the competition of foreign merchants in the coasting trade was wisely destroyed in the very outset of the Government, by a heavy prohibitory tonnage duty, and afterwards by positive prohibition, was this measure "indispensable for the purposes of revenue?" Was it not, according to the Salem memorial, a "shoal to impede the progress of trade?"

When, in the first session of Congress, foreign merchants were excluded from the China trade by extra duties on teas imported in foreign vessels, averaging one hundred and seven per cent., were they "necessary for the purposes of revenue?" Did they not rather impair the revenue?

When, more recently, an extra tonnage duty of two dollars per ton was imposed on foreign vessels arriving from ports which American vessels were not allowed to enter, was this "necessary for the purposes of revenue?" Where then was the alarm about "shoals to impede the progress of trade?"

Was the act prohibiting the introduction of plaster of Paris in foreign vessels "necessary for the purposes of revenue?" or was it not rather "a shoal to impede the progress of trade?"

Was the act passed in a late session of Congress, of which the object was to coerce the British nation to abandon the chief feature of their navigation act, which they prize so highly, "necessary for the purposes of revenue?" Has it not, on the contrary, injuriously affected revenue and agriculture?

And, in fine, we ask, and hope for a fair and explicit answer, whether the strong "restrictions" now contemplated against both Great Britain and France are "necessary for the purposes of revenue?" Whether they are not, like the former, "shoals to jeopard" agriculture and "revenue?"

The acts above alluded to, and a great variety of others which abound in our statute book, do not require much comment. They speak a language not to be misunderstood. It appears, and cannot fail to astonish your honorable Houses, that while the merchants have, from the commencement of the Government, applied for and been favored with "restrictions" not only "not necessary for the purposes of revenue," but in many cases pernicious to

it, a portion of them now use all their energies to defeat the reasonable objects of your memorialists, and consign them to destruction, on the ground that the restrictions contemplated are "not necessary for the purposes of revenue."

"One sacrifice is to be demanded after another; one prohibition heaped upon another until all the sources of foreign commerce are dried up; and domestic manufactures, sustained by enormous bounties, absorb the whole moneyed capital of the nation."

It ill becomes the advocates of a commerce "sustained by enormous bounties," in the shape of tributes to Barbary Powers; foreign intercourse; a most oppressive naval expenditure, amounting for the current year to \$3,500,000; a commerce which has entailed on the nation a war debt of nearly \$80,000,000, to hold this language respecting manufactures, on which the Government has never expended a single cent in thirty years. And what, we ask, has called forth this emphatical denunciation of manufactures? Merely a request, on the part of the manufacturers, of a duty of forty or fifty per cent. on cottons, wools, iron, and some other articles, in order to enable our citizens to compete with the half-starved and half-clothed workmen of foreign nations. This is the tremendous danger which is "to dry up all the sources of foreign commerce," and "absorb all the moneyed capital of the nation!"

We cannot forbear to state that it is no proof of the intrinsic goodness of a cause, when its advocates are reduced to the necessity of drawing high-colored and extravagant portraits of dangers which have no existence but in their own heated imaginations.

"It is not a little remarkable that these attempts are not only repugnant to those maxims of free trade which the United States have hitherto so forcibly and perseveringly contended for as the sure foundation of national prosperity, but they are pressed upon us at a moment when the statesmen of the Old World, in admiration of the success of our policy, are relaxing the rigor of their own systems, and yielding themselves to the rational doctrine, that national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity."

It is painful to us to state that this entire paragraph rests upon untenable ground. We look in vain for the evidences of "the national prosperity" on which the merchants predicate their reasonings. Where are those evidences to be found? Is it in the decay and destruction of so large a portion of the national industry? If this be a sign of "national prosperity," then is this nation prosperous to a degree unexampled in its annals, except in the interval between the close of the Revolutionary war and the establishment of the present form of government. Is it in the decline of commerce and navigation? Is it in the bankruptcy of so large a portion of the merchants, traders, and manufacturers of the country? Is it in the violent measure which the Legislatures of four or five of the States have adopted, of arresting the course of justice, and suspending the collection of debts? Is it in the augmentation of poor rates, the increase of

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mendicants and soup houses? Is it in the failure of revenue to the enormous amount of \$5,000,000 for the present year? Is it in the exclusion of one of our chief staples from the British markets, and the very great depreciation of the price of the rest? Is it, in a word, in that state of affairs, justly characterized in a recent report, by the Secretary of the Treasury, in these strong terms:

"But few examples have occurred of distress so general, and so severe, as that which has been exhibited in the United States?"

These, alas! are no symptoms of "national prosperity," and of "the success of our policy," which, we are told, and with a grave and sober air, as if the assertion were irrefragable, excites "the admiration of the statesmen of the Old World!"

We look around in vain, we repeat, for this "national prosperity," which sounds so captivatingly. And we look equally in vain for "the admiration of the statesmen of the Old World," of "the success of our policy," which is brought forward to tickle our national vanity. It would be vain to seek for the "success of a policy," which, after twenty years of a most extensive commerce, in which we received exorbitant prices for all our staples, has, in five years of profound peace, with abundant harvests, and wholly free from any natural calamity, reduced an intelligent, industrious, active population, possessed of almost every possible advantage of soil and climate, with water power unequalled in the world, from a towering state of prosperity to its present lamentable situation—a situation which, notwithstanding "the admiration of the statesmen of the Old World," emphatically warns us to change a policy, which built our prosperity not on the solid basis of national industry, but on the wretched foundation of foreign wars and famines, and has rendered us dependent on foreign nations even for the chief part of the clothes we wear, although possessed of the most valuable raw material in the world, to an extent commensurate with the demand of nearly half the globe.

But if we look in vain for this "national prosperity," for "the success of our policy," and for "the admiration of the statesmen of the Old World," we look equally in vain for "the relaxation of the rigor of their system." When this memorial was draughted, early in January last, and likewise when it was presented to Congress, on the 31st of that month, there was not before the American nation a trace of such relaxation in any part of Europe whatever. The assumption, therefore, on which so much of the argument of the memorial is predicated was unwarranted by the fact.

The countries with which the chief part of our intercourse is carried on are Great Britain and France. In the three last years of our domestic exports, amounting to \$192,000,000, there were \$141,000,000 exported to these two countries; whereas, to Russia, Sweden, Denmark, Norway, Prussia, the Hanse Towns, and all the ports of Germany, we only exported \$11,000,000. Of course, we are little interested in the commercial arrangements of those nations.

The signers of the Salem memorial are called

upon to produce any symptom in Great Britain or France of this very extraordinary "admiration," or its effects. Our policy is truly a subject of "admiration" for the desolation it has produced, as hurricanes and tornadoes are; but not of imitation to any wise nation. No symptoms of such imitation can be found. On the contrary, the cords are every day drawn tighter. So far as respects France, the Edinburgh Review for July, 1819, informs us that—

"The anti-commercial system of the ex-Emperor, instead of being modified or repealed, has, in fact, been adopted in all its extent, by his legitimate successors, and in their hands has become doubly efficient."

No alteration has taken place since that period. We are therefore warranted to state that the "admiration" and imitation of "the success of our policy," which form so capital an item in the Salem memorial, cannot be substantiated in France. And the rigorous acts recently passed and now contemplated by this Government, to counteract the British restrictive commercial policy, prove that that nation, in like manner, does not fall within the description of the Salem memorial, as excited to "admiration" or imitation of "our policy" by its wonderful "success."

When the Salem merchants laid down the maxim that "national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity," did they mean to convey the idea that the United States enjoy such a "free interchange?" It cannot be. There is no nation in the world which carries on commerce more completely destitute of "perfect reciprocity."

Our ports are open to the manufactures of all the world. Whereas, most of the ports of Europe, and all those of the colonies of that quarter of the globe, are shut against ours. This is a practical commentary on the "perfect reciprocity" which the Salem memorial insinuates we enjoy.

Again: we exchange necessities of life, and raw materials in the most rude state, for manufactures elaborated with the last finish of human industry and skill: thus, in every case, we exchange the labor of two or three, and, in many, that of ten, twenty, and thirty persons for one. Our cotton is returned to us in a manufactured state at an average of fivefold its original cost.

It is this species of one-sided "perfect reciprocity" which has produced "a distress so general and severe" that "few examples" of equal intensity "have occurred," and which has rendered the situation of the United States an object of regret and sympathy for its friends, and of exultation for its enemies. It is full time for the guardians of the nation's rights to secure to it something like "reciprocity," in its intercourse with the rest of the world.

We cannot close this memorial without expressing our astonishment and regret that an idea could ever have prevailed of the existence of hostility between the interests of agriculture and manufactures; whereas, the great mass of the productions of the former derive their chief value from the market afforded by the latter. The hides, the

skins, the furs, the wool, a large portion of the cotton, the timber, the coals, the lead, the iron, the pitch, the tar, the turpentine, the tallow, the indigo, the flax of the farmer, find a ready sale among the manufacturers, who likewise consume of provisions one thousand per cent. more than the amount exported to all the world in the most flourishing period of our history.

Your memorialists are gratified to find that the opposition to their just requests has been confined to a small portion of the two great classes of their fellow-citizens.

In submitting these premises to the most serious attention of your honorable Houses, your memorialists hope that you will make such a modification of the tariff as will secure to all persons interested in agriculture, manufactures, and commerce, a full and equal share of protection.

THOS. LEIPER, *Vice President.*

JAMES MEASE, *Secretary pro tem.*

PHILADELPHIA, April 3, 1820.

PROTECTION TO MANUFACTURES.

[Communicated to the House, April 24, 1820.]

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the American Society of the city of New York for the encouragement of domestic manufactures respectfully represents:

That your memorialists deem it a duty incumbent on them again to address your honorable body on the subjects embraced in their memorial of the 16th December last.

The excessive and continued importation of foreign manufactures, which is encouraged and supported by the existing tariff, the credit given for the duties, and free sales at auction, have destroyed order and safety in business, discouraged enterprise, suspended labor, and excited the most lively apprehensions for the future peace and welfare of the country.

The facts that have transpired in this market recently are too important in their bearing on this subject to pass unnoticed. By statements, carefully made out, it appears that, in this city alone, about twelve thousand packages of foreign manufactures have been sold at auction, from the 1st January last to 15th April instant, the duties on which are estimated at \$1,000,000; which sum, by this short process, has now become active capital, loaned by this Government to foreign manufacturers and their agents in this country, in aid of such operations, to crush the enterprise and industry of this nation.

The contrast between the policy of this Government, and that of all the great States of Europe, on this subject, is appalling to every citizen who reflects upon it. We admit a free importation of all the manufactures and products of Europe and India, subject only to a light duty, payable at a distant period. We admit foreign adventurers, immediately on landing, to compete with our citizens, in every profession, at their very doors, free

from all taxes, and exonerated from all the legal duties imposed on citizens, while they exclude even our breadstuffs, except when threatened by famine; and it is equally notorious that they are making every effort to exclude also our cotton, tobacco, and other great staples, by encouraging the production of them in their colonies. They impose high import duties, and still higher excise, on all foreign products, which are payable in cash, on delivery of the goods from the ship or public stores, and invariably secure peculiar privileges to their subjects over foreigners.

Your memorialists cannot believe that your honorable body have been duly informed of the deleterious effects arising from the existing system, which is availed of by foreigners, to the utter ruin of all regular business and honest industry. The numerous memorials presented this session for relief, the distresses throughout the country generally, the almost total stagnation of business in all our great cities, speak a language which cannot be misunderstood any longer. The utmost anxiety exists, and is suspended on the deliberations of your honorable body. The nation expects at your hands some efficient measures for relief from present embarrassments, and security for future enterprise.

Your memorialists, therefore, humbly hope that Congress will not adjourn without acting efficiently on the important bills now pending before your honorable body.

W. FEW, *Vice President.*

PETER H. SCHENCK, }
JOHN E. HYDE. } *Secretaries.*

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the Senate, April 28, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth:

That we have seen, with great concern, the project of a bill reported to the House of Representatives by the Committee of Commerce and Manufactures, calling for a considerable increase of duties on goods imported into the United States. We had hoped that, during the uncommon depression of our commerce and agriculture, no measures would have been taken by our Government to add to the accumulated distress of either. If the mere item of revenue were the only object proposed by the bill, we should think it inexpedient, and as by no means calculated to effect the end proposed; but, considering it as calculated seriously to injure or perhaps destroy our foreign commerce, and to erect on its ruins a manufacturing system, incompatible with our habits and the state of our population, it becomes the duty of those who are to be the victims, respectfully to remonstrate against such manifest injustice.

Remonstrance against an Increase of Duties.

Whatever may be the merits of the system of finance which has existed since the adoption of the Federal Constitution, it is at least entitled to sufficient respect to preserve it from abrogation before a proper substitute be offered. That which is now proposed, so far from increasing the revenue, will in our opinion have a contrary effect, and will at the same time tend to destroy our foreign commerce, and introduce an unfavorable change in our habits and morals. But we beg leave to call your legislative attention especially to that class of society of which we are members, and to reflect upon the consequences that will result, not only to us, but also to the numerous descriptions of tradesmen and artisans who depend on us for their employment and support, from any sudden and radical change in our present condition. Our capitals, to an immense amount, are vested in shipping, warehouses, wharves, and other appendages, belonging to mercantile establishments. We have been prepared by education and habit for the different branches of our calling, and are unfit for any other. Are we then to be required to submit to the destruction of our property, and to renounce the great branch of maritime commerce which is coeval with the settlement of our country? It is in the power of Congress to change our laws, but it is beyond its power to change the force of nature and habit. We have an extensive line of seacoast, indented with fine harbors; we have a bold and enterprising population on that seacoast, to whom the ocean has hitherto furnished subsistence and comfort: they will, therefore, there is too much reason to believe, not be withdrawn from it by any tariff that Congress may think proper to establish. The honorable, conscientious trader, may be compelled to abandon his calling, by reason of the regulations which Congress may impose on it, but the smuggler will take his place, and furnish, on easy terms, every article of foreign luxury on which our legislators may impose prohibitory duties. The warehouses and shipping may be destroyed, and their owners ruined, but they will be replaced by British ships and British warehouses at Montreal, St. Andrew's, and on the English side of the Lakes.

We hope that the class of citizens who are so zealously employed in this great work of change will be called on to show from what source the Government will derive its revenue during the period that must intervene between the overthrow of the present system and the establishment of another; nay, we will even add, after it shall be established. The duties on imports are already so high that the consumption decreases daily; and yet it is proposed to increase the revenue by increasing the imposts: our own experience suggests a very different remedy. Another policy, and we think a better, would have lowered the duties, and sought for greater revenue in increased consumption. Whilst these destructive restrictions are to be resorted to, we hear nothing of internal taxes, when a moderate and wholesome tax on domestic spirits would nearly supply, of itself, the deficiency in the revenue. Whatever may be the object of the tariff proposed, we respectfully believe the end

will be such as we have here stated. The revenue will be diminished, and foreign commerce carried on by fraudulent dealers. We would ask the advocates of this innovation for information as to what is to be done with our surplus agricultural productions during the time of this violent restriction on foreign commerce. We know well how it is to be disposed of when our country shall be covered with workshops and manufactories. We are then to consume it ourselves. But, as the interval will certainly be of many years duration, it is necessary to make some previous arrangement for the disposal of this important item. If we tax to prohibition the produce of other countries, those countries will do the same by ours. We have a notable instance in the duties imposed by us on the wines of Portugal and Spain. Of these we destroyed the consumption by excessive duties; Spain and Portugal have destroyed the consumption of our corn and flour by the same means. This fine branch of trade was thus destroyed; and how does the account stand with the parties now? Why, we drink whiskey that pays no duties, and Spain and Portugal get grain from other countries. We imposed high duties on British goods, and a restrictive duty on her tonnage; she defeated our tonnage duty by an equivalent duty on our tonnage, and superadded a bounty to her own. We were glad to compound, by agreeing to remove all discriminative duties and bounties on the shipping of both nations. Had we also agreed to diminish our duties on such of her manufactures as cannot, for a long time, interfere with our own, we should probably not have witnessed the very extraordinary efforts which she has lately made to procure cotton, the great staple of our Southern States, from the East Indies, to the great prejudice of the value of ours. She would gladly take our raw materials, and pay us in such manufactures as we shall be unable to rival, with the aid even of prohibitory duties, for a long series of years. But, if we take measures to lessen the sale of her goods, she will not be backward in retaliating, by lessening, as much as she can, the consumption of our raw materials. Unfortunately, we have no productions of a character so peculiar as to defy competition, like the teas of China, and the wines and brandies of France. All of our productions are to be found in other countries; and we must not be surprised to see her, at no distant day, forego the use of our cotton, as Portugal now does that of our flour. If England is the original from which we propose to copy our restrictive system, we should consider whether her situation was analogous to ours when she adopted hers. We shall find that every acre of her good land was in cultivation, and that her population and capital were redundant. In none of these items is there a conformity with our present situation: our population is very sparse, compared with our immense extent of territory; and both our population and capital are feeble, compared with the exertions that will be called for in this arrangement. But those are not the only difficulties we shall have to contend with. We have just stated to you the effect of the rivalry and counteraction of other nations, as it respects the

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exports of our surplus productions. We beg leave to call your attention to the actual situation of England, as it respects her exports. Every nation in Europe is at war with her restrictive system, and have, by their counteraction, reduced her manufacturing establishments, and the persons connected with them, to a condition of unparalleled distress. Even this, our proposed measure, is principally levelled at her. The fact is, that as long as we have surplus productions we must export, and, as long as we export, we must import. But, if we determine not to import, and effect this purpose either by prohibition or by excessive duties, we must be prepared to meet a corresponding feeling on the part of other nations, and to suffer the inconveniences that have uniformly attended restricted commerce, both as it respects our revenue and agricultural interests.

It is not only on general principles that we object to the proposed plan of restriction and high duties, but we are also urged by the peculiarity of our own situation to remonstrate against their unequal and unjust operation. During the last two or three years, the aggregate of the commerce of the United States has been productive of great loss to those who have been concerned in foreign trade; so that the merchant, who should only be the organ through which the revenue is conveyed to the Treasury, has in fact been burdened with a very large proportion of the duty which was intended to fall on the consumer. The diminution of capital has been such as to produce many and very heavy failures throughout the maritime ports of the Union. As long therefore as this state of things continued, we, as before observed, had hoped that no additional duties would have been imposed, inasmuch as those now levied have such an unequal, and we may add, unjust bearing. We have waited, without murmuring, in hopes that a change of circumstances might enable us to receive a decent return for the employment of our capital and labor, but we had not imagined that an aggravation of our sufferings would come from a quarter where we look only for relief. If we are asked why, under such great disadvantages, we have continued to import foreign productions, we answer that, during the whole period, there has been a gradual diminution of mercantile establishments throughout the Union; that those whose capital has principally been invested in shipping have cherished a hope that the reaction consequent on the convulsed state of the commercial world during the last twenty-five years would soon cease to operate; and moreover that it cannot be expected that, as long as there are even hopes of improvement, a very numerous description of persons should abandon a calling to which they have been uniformly devoted, and of which only they have any knowledge. But there are not wanting other considerations of a very serious nature which must have escaped the notice of those who propose an increase of duties at this time, even presuming that such increase would improve the revenue. Surely it will be allowed that the measure of taxation should be proportioned to the means of payment. In our country we have no other criterion for

fixing the extent of these means than the value of our agricultural productions; and if we are to be influenced by a test of so natural a character, we are bold to affirm that since the adoption of the present Constitution we have, with the exceptions of the periods of war and embargo, at no time been in a condition so illly prepared to face an increase of taxes. We believe that, throughout our whole country, the products of our agriculture are in a state of extreme depression. There may be some few exceptions, one of which we shall have occasion to speak of hereafter; but, as a general observation, we think ourselves correct; at all events, we can speak with confidence as to the article of flour, the great staple of the Middle States. In a note which we transmit herewith, you will find that the average prices of flour, from the year 1789 up to the present period, have uniformly exceeded that which prevails at this time. Now, as the price of provisions regulates the price of every species of labor, we find that the latter has also declined proportionably in its value; and that the means of enjoyment, or even support, are very much contracted in every department of life. How then are we to support the present rate of taxes, so far above the rates of those which prevailed in the early days of our Constitution, when our means are reduced even below the standard of that age? We can only support them by rigid economy, which now pervades every branch of society. And let us here observe, that the very causes which operate so unfavorably to the agricultural and commercial interests have a tendency directly opposite, as it respects those who are concerned in manufacturing establishments. Every cent which is deducted from the price of labor is an additional bounty to them. A cotton factory in the neighborhood of Boston, established on sound principles, as it respects capital and conduct, has given an annual dividend of twelve per cent. for some years. We do not believe that, during the same period, there has been in the Middle States an equal investment in commerce or agriculture that has given equal emolument; and yet it is contemplated to sacrifice these unerring sources of wealth and power merely to promote the views of a small class of citizens; and that, too, without any reasonable expectation of seeing their theories reduced to beneficial practice.

We here beg leave to close, for the present, our general observations as to the expediency of increasing the present rate of duties, and shall proceed to make some few of a more specific character as it respects some of the leading articles in the proposed tariff; and we do this the more cheerfully, as we feel satisfied that it will appear, from the facts we shall present to your view, that the existing rate of duties, so far from being enhanced, should be, in many instances, reduced, if it be intended to apply them to the beneficial purposes of revenue.

Liquors and Groceries.

Wines.—We observe that the duty on this important article is left in blank to be filled up. In the course of these remarks, and also in a mémo-

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rial which we lately presented to the Congress, we have shown the destructive effects produced by high duties on wines; and it affords an instructive lesson to us for our future conduct in regard to laying high duties on articles which are considered as luxuries. We promoted the agricultural as well as commercial interests of the Union by exchanging our provisions and lumber for the wines of Spain and Portugal, which, for many years, were a source of considerable revenue. On these we imposed such high duties that we have, in a great measure, destroyed the consumption of them, and we have lost the sale of the provisions which we gave in exchange for them. As it has not pleased the Lord to grant us any vineyards, and as we once found this a profitable article of revenue, when properly managed, we trust it will not offend the most fastidious economist if we respectfully suggest to you the propriety of treading back on our steps, and reducing, by almost one-half, the duties actually paid. Perhaps it may produce a policy on the part of Spain and Portugal to retrace their steps, and to remove the restriction which they have imposed on our productions. We may then again have a chance of calling on the farmers for some part of the surplus grain which, from present appearances, they are likely to have on hand.

Brandy.—We find this article, in the existing as well as in the proposed tariff, classed with spirits of other denominations. We think that brandies (to use a plural term) should be classed, and that French brandy should pay at least fifty per cent. more duty than any other species, not only because the French Government are endeavoring to wrest a part of our carrying trade from us, but because the brandies of France are of a peculiar character as to goodness, and cannot be supplied (of equal quality and request) by any other nation; and are, in fact, of far greater value at the place of their growth than any other. If any difficulty should occur in separating them from other brandies in the tariff, they might, we conceive, be properly admitted into the list of *ad valorem* articles with the others; and we should then tax them by value, which, in this case, we should consider the true criterion for the measure of duty. The tariff, as it now stands, virtually prohibits the importation of Spanish brandy; but as we do not approve of high duties, except in most special cases, we propose to produce the effect of reducing the duty now paid on Spanish brandy, so as to leave that of France at the proposed advance.

Rum.—We would recommend precisely the same course as to this article, which is now taxed too high, in our opinion. It has been a source of great emolument to our revenue, but, under the present rate of duty, the consumption, as far as we can judge, is very rapidly declining. It recommends itself, moreover, to our favor, by its being one of the principal articles of payment given in the West Indies for our agricultural productions. If we drive it from our market, we must expect these productions will be treated there in the same manner as they have been treated in Spain and Portugal. Even under the existing tariff, we contemplate

that this will be its fate ere long; but, under the proposed addition of duty, it will not be imported in a way that will yield any efficient benefit to the revenue. Indeed, we are not without something more than apprehension, that a considerable quantity is now introduced in a clandestine manner; nor need you be surprised that it is so, when every puncheon thus introduced affords a profit of from forty to fifty dollars.

Coffee.—Almost every observation we have made in respect to rum may be applied to this article. We are of opinion that the present duty of five cents per pound is too high, and we are persuaded that a reduction of one per cent. per pound would have a favorable effect on the revenue. We consider it a fair object of revenue, as far as that revenue can be collected, and as far as we can afford to pay it; but we think the present duty sufficiently high to invite to the frequent breach of our revenue laws; and we are satisfied that, in our part of the country, the consumption has very much decreased.

Sugar.—This is a most important article, not only as it respects the revenue, but as forming a leading item in the comforts, we may even say the necessities of life. Without any certain data, we venture to estimate the quantity of this article consumed in the United States at 60,000,000 pounds, producing, at three cents per pound, a revenue of \$1,800,000. When the duty was imposed on sugar, it was intended for the purpose of revenue only; and it was not contemplated that, in our country, there existed a climate and soil calculated for its production. But during the last few years a certain portion of Louisiana has been found to possess these advantages; and such has been the rapidity with which they have been improved, that it is estimated that the produce of Louisiana will amount this year to about 40,000 hogsheads, of 900 pounds each, or a total of 36,000,000 pounds. As no duty is paid on this enormous amount, that which is paid on sugar from other countries operates as a protecting duty to it, and gradually loses the character of a revenue duty, and will soon cease to exist as such; because the increased cultivation in Louisiana bids fair to supersede the necessity of importing from other countries. There will then have occurred, for the present year, a deficit, in this single item, of \$1,080,000. But, without anticipating the consummation of the deficit, we beg leave to call your attention to that which will, in our opinion, be sustained in the present year. We have stated already, on the best information we can procure, that the last crop amounted to about 36,000,000 pounds. This sugar, being protected by our present high duties, is wholly consumed in the United States; and every hundred weight of sugar imported from foreign countries, admitting it cost the same price, must be sold for three dollars more, in order to indemnify the importer. But inasmuch as the sugars of the West Indies require twice the labor and expense requisite in Louisiana, the price at which they are bought by us cannot be supposed to be less. Thus it evidently appears that the whole duty which is thus subtracted from our revenue, is neither more nor less than a bounty

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granted to the sugar planters of Louisiana; and that the amount thus granted on 36,000,000 pounds, at three dollars, is \$1,080,000. But this is not all. It is generally understood that two hogsheds of sugar yield one hogsherd of molasses, and this latter an equal quantity of rum; so that there will exist the materials for 20,000 hogsheds of rum, which, at the moderate estimate of one hundred dollars each, at a bounty of thirty cents per gallon, will amount to \$600,000; if not distilled, it will only receive a bounty of \$80,000. But admitting one-half to be used without distillation, and the other to be converted into rum, the mean sum will be - - - \$340,000
Which, added to the bounty on sugar, 1,080,000

Then the aggregate bounty will be \$1,420,000

We do not pretend to be accurate in this estimate, because we receive the principal data from public report. But we are willing to make large deductions from its amount; and we will suppose that the amount paid as a bounty to Louisiana for the present year will amount only to \$1,000,000. As probably the subject has not been considered in this point of view, the result may be matter of surprise; and we shall no longer be at a loss to account for a diminution of our revenue in one of its most important branches. But there is a feature in this protecting duty of so singular a cast that we do not believe it can be paralleled in the history of commercial bounties. It seems that the soil calculated for raising sugar cane in Louisiana is very limited, and that the culture of it is as yet confined to a small number of persons. We do not believe that the number of sugar planters exceeds from one to two hundred. We cannot vouch for the correctness of the estimate; but, presuming it to be correct, and that the number of planters amounts, say to one hundred, then, assuming our reduced estimate of bounty of \$1,000,000, it will appear that the United States grant an average sum of ten thousand dollars per annum to each of these hundred planters; or five thousand dollars, if their number be two hundred. If these statements be correct—and the Legislature have better means than we possess for ascertaining their correctness—we presume that no comment is necessary.

Again: we are not to suppose that the evil ends here, and that we are to suffer no other inconvenience than the payment of these splendid sinecures. We have now to present the case to you in a point infinitely more interesting, and such as we trust will excite the most serious attention on the part of Congress. We have supposed that the consumption of sugar in the United States amounts to about sixty millions of pounds; and in the estimate of the crop now delivering at New Orleans we have rated it thirty-six millions of pounds. There is, then, only required an increase of twenty four millions of pounds in the growth of Louisiana sugars to complete the supply for the actual demand of the whole Union. From the rate at which they have increased for some years, the production will soon have attained to this point; and the im-

portation of foreign sugars and rum, as articles of consumption will, of necessity, cease. The consequences of this change will be much more serious than they at first appear.

Our commerce with the West Indies is, in our present situation, of the greatest importance to our agricultural as well as to our maritime interests. Excluded from the ports of Europe by our own bad policy, our provisions and lumber have scarcely any other mart than the West Indies; and the principal returns which they afford are sugar, rum, and molasses. Now, if these are wholly driven from consumption, we must cease to receive them in payment, for we cannot continue to import them with a chance of being indemnified for their cost, by reshipping them to Europe; and if we cannot receive them in payment, our agricultural products will of necessity be rejected, and this other branch of commerce will either expire, or be continued in a very diminished and languishing condition.

There is also another view of this subject, which we consider of importance. We have stated the amount of sugar made in Louisiana this year to be 36,000,000 pounds, which, rated at the moderate price of seven dollars per hundred pounds, will amount to \$2,520,000; of which amount we have shown that we now pay as bounty more than \$1,000,000, and that when the quantity shall have increased to the measure of our supposed consumption, (60,000,000,) the bounty will be increased to \$1,800,000, exclusive of that which which will accrue on the rum and molasses. Thus an enormous and increasing contribution is levied on every individual in the Union, to pamper a few individuals living in the most remote and most favored angle of our country. To add to their excessive gains, we are to destroy the most active and beneficial branch of our commerce, and to dissolve those branches of foreign commerce through which we are to receive our supplies, in the event of being at war with a nation having a maritime force superior to our own. It will be in vain that we shall be told that the commerce which we lose will be replaced by that of Louisiana. The whole of the maritime States furnish scarcely a single article with which she cannot supply herself without our assistance. The value of our exports to New Orleans, in native productions, is so small, and diminishes so rapidly, that Louisiana bids fair, and that very soon, to stand in the same relation to us with China. We must send our specie to purchase her productions, and that, too, when they shall no longer enjoy the bounties now granted by us with such prodigality.

We are sensible that the bounty (for such it is, in effect) granted on the sugar, rum, and molasses, has not been produced by any legislative act formed for the purpose of revenue, and which, by the gradual increase of these articles, has been virtually converted into a bounty, and the measure of their increase is precisely that by which we may estimate the progressive reduction of our revenue, and of our West India trade. In the infancy of the sugar establishments on the Mississippi, it might have been prudent to grant protection, and

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even positive bounty, if required; but in their present state of prosperity, when it is ascertained that no species of agriculture can compare with this as to emolument, we think it is time to withdraw a portion of the bounty, and apply it to other branches of agriculture, which, in their turn, require support. Our flour, our corn, our tobacco, our rice, our salted fish, and lumber, call for support. But we do not ask for it in the form of restricted duties, but in the removal of such as operate to depress those staple commodities. So far are we from approving of an increase in the duties of rum, sugar, and molasses, that we think it will be both wise and just on the part of our Government to reduce by one-half the amount of those which now exist on those articles. It is a most oppressive tax on the farmer of the seaboard to pay, as a protecting duty on a barrel of New Orleans sugar, seven bushels of wheat, at the prices of the present day; and how much more oppressive is it still, that this enormous bounty, when paid, should operate to destroy the sale of his produce in the marts to which it has been usually exported? Such, however, is the extent of the tax, and such its effect. In asking thus for a diminution of duty on West India produce, we do not apprehend a diminution of the revenue; the existing high duties have contributed principally to the great reduction on the consumption of it. We contemplate very favorable results to the revenue, which the enlarged consumption, under reduced prices, will create; and that soon the most beneficial effects will be felt in the important branches of agriculture and commerce.

Having thus respectfully taken a view of the immediate and prospective operation of the actual duty on sugar, we shall close our protracted observations on this most important item, begging leave to invite the particular attention of the Congress to it, as well from considerations of general policy as from those which attach peculiarly to agriculture and commerce.

Molasses.—Our observations on sugar apply with equal, if not greater, force to molasses. It is the humble and nutritious sweet resorted to by those who cannot afford to buy sugar, and seasons the simple repast of all ages and of all sexes. If we do not ask a reduction of the present duty, we at least deprecate an advance, more especially as that called for by the new tariff will still add to the bounty now granted to the planters of Louisiana.

In respect to all the actual and proposed duties on the important items of cotton and woollen goods, we subjoin a body of notes, showing what is and will be the effect of the proposed changes. The observations which accompany them are made by a practical merchant, and we conceive are highly worthy of consideration. It will be seen that the present duties operate as a very heavy tax on the consumer; that they are abundantly large for the protection of our manufactures, and that the proposed advance will not only tend to diminish our revenue, but to produce the most demoralizing effects in our society. The importers of woollen and cotton goods, whatever may be their opinions as to the present rate of du-

ties, are of opinion that the duties, generally speaking, are fairly paid; but they have no hesitation in declaring that the proposed advance will have the effect of producing a very extensive branch of contraband trade. As far as our own opinion may have weight, we do not hesitate to say that, if the present high duties will not protect our manufactures, it is an evident proof that we are not prepared, under our present circumstances, to engage more extensively in them, and that justice and sound policy require that we should not increase the actual bounties. Nay, we are of opinion that, in some instances, the proposed increase, amounting to prohibition, would injure our manufactures as well as our revenue. In fact, we do not consider either our population or means are such as to invite us to engage in such as may rival the finer productions of the European looms. We respectfully believe, for the present, we ought to be satisfied with the manufactures of coarse goods, and leave to those who take our raw materials the supply of fine goods. The purposes of commerce as well as revenue will thus be promoted. At any rate, the establishment of new branches of manufactures is the work of time; and something more than a desire to establish those of fine goods should be manifested before we proceed to strike a deadly blow at other branches of industry, of the greatest national interest, and on which the prosperity and happiness of our country have hitherto been founded. It would seem well to pause before it be determined by any legislative means to effect any sudden change in the habits and character of our population. It would be well, we respectfully believe, to examine cautiously those which we are to assume in lieu of those which we are called on to renounce. Our institutions have hitherto been such as to render our happiness proverbial. What, on the other hand, is the condition of those whom we are attempting to imitate in this new career? The manufactories and workshops of England are the nurseries of pauperism and discontent. Ought we to wish to rival her in fine muslins or splendid toys? If our poor rates, like hers, are to amount to thirty-six millions of dollars, and if our soldiers and farmers are to be employed in suppressing the insurrections of our manufacturers, let her enjoy the emoluments and miseries of her manufacturing system, and let us avoid it until a crowded population may render it expedient and secure. We have known of many attempts in Europe at the hotbed process of raising manufactures, and we believe that it has almost universally failed.—The truth is, in respect to legislation on this subject, the Congress have done all that they can do, if we are to expect revenue from our imports. They have peopled districts, and have conducted them properly, acknowledge that they are sufficiently protected by our present duties, and they ask no advance. But this is not enough. We must lay the groundwork of a general system of manufacturing, and, as a prelude to it, it is proposed to begin by destroying our whole commercial and agricultural systems at one sweeping blow; for such promises to be the result of the proposed tariff. It would be reasonable to suppose

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from the summary mode of proceeding contemplated, that the looms and the anvils and the artists were impatiently waiting for the signal from Congress, to supply us with chintzes and muslins, with needles and watches. But so far from this being the case, we do not believe that the advocates of this important change have in contemplation one single branch of the higher class of fabrics; and it will be prudent for them to abstain from engaging in them. Their efforts, supported by legislation, will be unequal to the attainment of the proposed end. As before observed, we may ruin the fair merchant, but we cannot suppress the trade when transferred to the smuggler, who will undersell our own manufacturers.

If the spirit in which these exactions are made is characteristic of the new system which is to be introduced, we confess that we should for this alone deprecate its progress; for, if it is thus in the gristle, what will it be in the bone? It seeks to destroy one great and hitherto beneficial system, before it is prepared to furnish a substitute. It abolishes imposts that are paid with fidelity, and calls for others that we seriously fear will not be paid. The interests that it places in advance of all others are those of only a few, compared with those whose interests it seeks to demolish. What, on the other hand, has been the conduct of the farmer and the merchant? They have borne with cheerfulness, and discharged with punctuality, the taxes which have been imposed on them, whether for the support of Government, or for the promotion of other branches of industry; they have seen their commerce injured in some points, and destroyed in others; they have furnished the means of paying what may be considered as bounties to domestic manufactures, to the fullest extent of good policy; and yet, far from even murmuring, or torturing Congress by their repeated demands, they have either suffered in silence, or restricted themselves to suggesting measures which would promote the public weal as well as their own. Are they, then, after their patience under protracted sufferings, to be called on, in this time of general distress, to sustain new injuries in their agricultural interests, and to have their commercial establishments overthrown, and even the very nature of their being changed, merely to promote the delusive projects of a few interested individuals? They have too much confidence in the wisdom of the National Legislature to suppose that they will encourage these vague and ephemeral schemes, calculated to make a revolution in our condition, and, in the end, to produce effects the very contrary to what they profess.

Your memorialists respectfully remark, that they are opposed not only to the principle of the proposed tariff, but also to the details to which it is applied; and that, so far from adding one cent to the present duties, it is our opinion that an increase of revenue and an improvement in our general condition can only be expected by a diminution in the existing duties, especially on the articles referred to, and more particularly the wasteful bounty on the sugars, rum, and molasses of Louisiana; and, finally, that the actually depressed state of

agriculture and commerce calls for such gentle and considerate measures on the part of Congress as may strengthen the confidence in and attachment to the Government of the citizens, and for the rejection of all those which, like the projected tariff, must be likely to have an opposite tendency. There exist already in the Union of these States too many sectional causes of weakness to make it expedient to increase their effect by artificial means. The endeavor should be to retard, and not to hasten, a crisis which all must contemplate with horror. Although it is not our particular view to give an opinion relative to the general finances of the Union, yet, as we are practically connected with the various branches of commerce from which our revenue is derived, the suggestions which we presume to offer may not be wholly useless. We think there is the most satisfactory proof that the consumption of every species of goods imported from Europe and the East and West Indies is in a state of rapid decline, owing to the inability of our population generally to support any other than necessary expenses. The causes of this decline have been touched on in what has been already said, but the effect will most assuredly be a great and increasing deficit in our national revenue.

We are satisfied that this revenue, so far from being increased, will be diminished by any addition to the present duties. We are strongly impressed with the opinion, as already stated, that an opposite course would, as it respects revenue, lead to more favorable results; but we are far from believing that any measure of finance, short of an excise and internal taxation, will efficiently meet the evil. We respectfully concur in the proposition of a loan, or any other temporary resort for the present year, in the contemplation at the next session of recurring to an organized system of internal taxation, which will be less subject to fluctuation than that on which we now rely for revenue.

On behalf of the Chamber of Commerce of Philadelphia.

ROBERT RALSTON, *President.*

PHILADELPHIA, April 20, 1820.

Observations as to the operation of the present tariff in giving protection to the manufactures of this country, and in excluding the importation of goods of foreign manufacture similar to those manufactured here.

The cotton goods manufactured in this country to the greatest extent are plaids, stripes, chambrays, and cotton shirting of the coarser qualities, which now cost in England less than 25 cents the square yard, and are, consequently, subject to a very heavy duty; so much so, as nearly to exclude their importation. A yard of plaid stripe, or chambray, would now cost in England 6d., of 24 inches wide, of good quality. For example:

100 yards of plaid stripe, or chambray, 24 inches wide, at 6d., cost £2 10s. sterling. It would contain 66 $\frac{2}{3}$ square yards, which at 25 cents, is \$16 68. The duty, 25 per cent, upon the same, is \$4 17. Thus the 100 yards of plaid stripe, or chambray,

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which cost £2 10s., or \$13 20, would now pay a duty of \$4 17, which is equal to 32 per cent.

A piece of cotton shirting, 50 yards, would now cost in England £1 7s. sterling, of 30 inches wide, and would contain 44½ square yards, which, at 25 cents, is \$11 12. The duty upon the same, 25 per cent., is \$2 78. Thus, the piece of shirting, which cost 27s. sterling, or \$6, pays a duty of \$2 78, or 46 per cent.

A Carlisle gingham, which has heretofore been much used by the poorer people, of 40 inches wide, would now cost 8d. per yard. 100 yards of Carlisle ginghams, 40 inches wide, at 8d., is £3 6s. 8d., sterling, and would contain 111 square yards, which, at 25 cents, is \$27 75. The duty upon the same, 25 per cent., is \$6 94. Thus 100 yards of ginghams, which cost in England £3 6s. 8d., or \$14 82, pay a duty of \$6 94, or 46½ per cent.

Printed calicoes, which are not made in this country, but much worn, more particularly by the poor people, and considerably by all classes of females, now cost from 15s. 6d. sterling to 33s. per piece of 28 yards, upon which there is a debenture allowed upon exportation, in England, of 3½d. the square yard; and as they are from 23 to 25 inches wide, the debenture is from 5s. to 5s. 6d. sterling per piece; and all which costs less than 25s. sterling per piece are now subject to additional duties, as the cost is less than 25 cents per square yard.

A very good calico, 23 inches wide, cost, in December last, 18s. 9d. sterling per piece, upon which the debenture was 5s. 3d., making the net cost 13s. 6d. sterling, and contained 18 square yards, which, at 25 cents, is \$4 50. The duty, 25 per cent., is \$1 12. Thus the piece of calico which cost 13s. 6d. sterling, or \$3, pays a duty of \$1 12, or 37 per cent.

Cambric muslins 6-4 wide, of 12 yards each, cost from 7s. to 20s. per piece; and all which cost less than 13s. per piece are subject to additional duties, the cost being less than 25 cents the square yard. A piece of cambric muslin, 39 inches wide, cost 7s., would contain 13 square yards, which, at 25 cents, is \$3 25. The duty, 25 per cent., is 81 cents. Thus the piece of cambric muslin, which cost 7s., or \$1 55, pays a duty of 81 cents or 53 per cent.

The operation is proportionate upon all low priced cambric muslins of other dimensions, as well as low priced fancy muslins, book muslins, and ginghams, and upon every other description of cotton goods of low cost and not enumerated.

Upon woollen goods, under the present tariff, there is no discrimination between coarse and fine in calculating the duties; nor is it considered necessary there should be, even for the protection of our own manufactures; for, at present, there is but a very small quantity of foreign imported of similar descriptions to those we manufacture. The principal part of those now imported are superfine cloths, low priced blue and white plains for negro clothing, flannels, baize backing, baizes, and blankets, most of which are absolutely necessary for the use of the country.

The proposed tariff contemplates a duty of 33 per cent. ad valorem on all cotton or woollen

goods, of whatever description, from this side the Cape of Good Hope, which, upon all goods paying an ad valorem duty, will, in reality, amount to 36½ per cent.; and, upon all cotton goods costing less than 25 cents the square yard, 33 per cent. upon the calculated cost of 25 cents the square yard.

Accordingly, the duty upon 100 yards of plaid stripe, or chambray, costing £2 10s. or \$13 20, and upon which the duty is, according to the existing tariff, \$4 17, or 32 per cent., would be \$5 56, or 42 per cent. upon the cost. Upon 100 yards of Carlisle ginghams costing £3 6s. 8d., or \$14 82, upon which the duty now is \$6 94, or 46½ per cent., would be \$9 25, or 62½ per cent.

Upon a piece of cotton shirting costing 27s. or \$6, upon which the duty, according to the present tariff, now is \$2 78, or 46 per cent., would be \$3 71, or 62 per cent.

Upon a piece of calico costing net 13s. 6d. sterling per piece, or \$3, upon which the duty now is \$1 12, or 37 per cent., would be \$1 50, or 50 per cent. Upon a piece of cambric muslin costing 7s., or \$1 55, upon which the duty now is 81 cents, or 53 per cent., it would be \$1 08, or 70 per cent. upon the cost; and upon all other cotton goods costing less than 25 cents the square yard, the duty would be proportionate, according to the dimensions and cost.

The contemplated tariff proposes that the duty shall be calculated upon the real cost of the article whence imported, "together with the amount of all such bounties, premiums, drawbacks, allowances, or discounts, as may be given, paid, or allowed at the place whence imported." Upon all printed cotton goods exported a debenture is allowed in Great Britain of 3½d. the square yard; and, should the contemplated duty be laid upon that, as well as upon the actual cost, it will amount to a complete prohibition to the importation of most kinds of printed cotton goods, and also upon English manufactured silk goods, upon the exportation of which a bounty of 4s. per pound is allowed. The contemplated tariff proposes a duty of 25 per cent. upon linens of every description, and those costing less than 25 cents the square yard to be calculated as having cost that, and 25 per cent. calculated upon that amount. In addition to which, the duty is to be calculated upon the bounty allowed of 1½d. per yard on all linens costing less than 18d. per yard. The proposed tariff also contemplates a duty of 33 per cent. upon blankets; and stuffs are considered to be included with woollens of every description, and, consequently, subject to 33 per cent. duty. The three last-mentioned articles, viz: blankets, stuffs, and linens, now pay a duty of fifteen per cent. ad valorem; and neither (excepting blankets, to a very limited extent) are manufactured in this country, and are all much used; the impolicy of raising the duties upon them can be readily judged of. Two of the articles being used, one from economy, the other from necessity, to a great extent, by the poorer class of people, the consequences of raising the duties to the rates proposed in the contemplated tariff will be to preclude the importation of many

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articles altogether in a fair way, and to encourage and systematize smuggling upon a scale so extensive, as seriously to affect the revenue of the country, and corrupt the morals of the people.

The facilities which our extensive seaboard and inland frontier give to the introduction of goods in an illicit manner; the temptations which the contemplated tariff offers; the large value of many articles which may be comprised in a small bulk; and the prospect of gain so great, that many individuals, who now would despise the person who would engage in such a trade, will be induced to engage in it themselves—the inducements to the engaging in the introduction of many articles, in an illegal manner, can be readily judged of, when a person smuggling 100 pounds of sewing silk or silk twist would, by avoiding the duty alone, receive a compensation of \$150.

Five pieces of superfine cloth would comprise but a small bulk, and the weight would be about 150 pounds, and would contain about 100 yards, and cost about £200. The duty upon the same, according to the contemplated tariff, would be \$324.

In many kinds of cambric muslins, fine fancy muslins, and manufactures of silk, the facilities and inducements to smuggling will be equally great.

It must, therefore, be obvious to every person of reflection, that, whether the contemplated tariff have for its object the increase of revenue, or the protection of our own manufactures, an adoption of it will, most assuredly, have a contrary effect.

Average prices of superfine flour in Philadelphia, from the year 1789 to 1819, inclusive.

| | | | | | |
|------|---|--------|---------------|---|---------|
| 1789 | - | \$5 20 | 1805 | - | \$10 38 |
| 1790 | - | 6 15 | 1806 | - | 7 30 |
| 1791 | - | 5 25 | 1807 | - | 7 00 |
| 1792 | - | 5 07 | 1808 | - | 5 60 |
| 1793 | - | 6 21 | 1809 | - | 6 90 |
| 1794 | - | 7 22 | 1810 | - | 9 66 |
| 1795 | - | 12 05 | 1811 | - | 10 00 |
| 1796 | - | 12 43 | 1812 | - | 8 75 |
| 1797 | - | 9 00 | 1813 | - | 8 50 |
| 1798 | - | 8 78 | 1814 | - | 7 70 |
| 1799 | - | 9 62 | 1815 | - | 8 45 |
| 1800 | - | 9 85 | 1816 | - | 10 00 |
| 1801 | - | 10 45 | 1817 | - | 12 00 |
| 1802 | - | 6 75 | 1818 | - | 9 85 |
| 1803 | - | 6 73 | 1819 | - | 7 20 |
| 1804 | - | 8 22 | 1820 (April), | - | 4 75 |

UNIFORM SYSTEM OF BANKRUPTCY.

[Communicated to the Senate, December 27, 1819.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the merchants and traders of the town of Boston, and of other towns within the State of Massachusetts:

The wise framers of our excellent Constitution, foreseeing the necessity, in a maritime community,

of laws peculiarly affecting commercial relations, caused, upon due deliberation, the power of establishing "uniform laws on the subject of bankruptcies" to be among those expressly delegated by the people to their representatives in Congress assembled. Several of our sister States, at the time they became members of the confederated Republic, did not hesitate to declare freedom from imprisonment for debt, except when there might be a violent presumption of fraud, an inherent and Constitutional right; and many others, when the creative power thus vested in the General Government has been suffered to lie dormant, have from time to time expressed, by their numerous insolvent laws or acts of private relief, a strong sense of the propriety of measures mitigating the common execution of the law. But, without enumerating the multifarious declarations of State Legislatures to this effect, it is enough if no one will deny that the greatest possible exemption from personal restraint bears the closest analogy to the common sentiments and habits of Americans, and is highly congenial to that pure and equal spirit of liberty which animates our whole civil and political character.

Notwithstanding its remarkable conformity to our national physiognomy, nearly sixteen years are now elapsed since we have enjoyed the benefit of a bankrupt law. During a great part of this momentous and eventful period, amidst the concussion of foreign arms, and the violence of nation lifted up against nation, the neutral flag of America enjoyed a degree of commercial prosperity unparalleled in the annals of human history. The granaries of the world were open to us alone, and the mighty empires of Europe may be said, in some measure, to have depended upon our supplies. By these remarkable facilities, immense revenues were accumulated in the coffers of our citizens, which were constantly re-embarked in larger and more perilous adventures, till our commercial engagements were stretched to their utmost extent. At this crisis the restrictive system was commenced, and war shortly succeeded—measures which, however necessary in their origin, and however important in their political results, could not fail of being greatly embarrassing to the commercial and trading interests. Those of our merchants who were enabled to struggle through the distresses invariably attendant on these often inevitable evils were induced, on the return of peace, to put forth all their energies, in the hope of reaping unusual harvests, and thus speedily re-establishing their broken fortunes; but, during the suspension of commercial pursuits, foreign relations had been (for them, at least) unfortunately changed; trade in its accustomed channels had been choked, and necessity had opened new ones which were already pouring in their resources to feed the enormous consumption of a most extensive war.

But when the great belligerents of Europe had laid aside their long-cherished hostilities, and pacific arts were everywhere reassuming their legitimate superiority, England was again ready to step forth, in the plenitude of her maritime might, and monopolize the trade of a larger portion of

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the globe, at the same time that many Powers, who, when occupied in arms, had been entirely dependent upon us as the general carriers and factors of the world, found their advantage in calling to light hidden resources, and establishing a commerce of their own. From such a singular concatenation of events, the most prudent and the most opulent have been obliged to meet peculiar embarrassments and unexampled pressure; so that many who had withstood the perils and losses of the war have been drawn into ruin by the unexpected fatalities of peace.

Struck with this prominent example of the extreme mutability of commercial affairs, subjected as they are to innumerable and inevitable casualties, and aware of the constant regard which the representative Legislature of an enlightened maritime Republic must preserve towards the interests of commerce and the cause of humanity, your memorialists, the merchants and traders of Massachusetts, as well those who have been severely laboring under the evils we have above related as those who are of a more fortunate description, beg leave respectfully to suggest the expediency of establishing throughout the United States a uniform system of bankruptcy, to the end that personal liberty and the equitable discharge of contracts may no longer be subjected to the caprice or dishonesty of individuals, but that over our civil transactions as well as our political rights we may enjoy "a Government of laws, and not of men."

It might appear unnecessary, but for the strong attachment we are apt to bear even to the injurious customs of our ancestors, to set forth the unreasonable hardships towards merchants and traders of that law which gives unlimited satisfaction upon the goods, estates, and body of the debtor. In what respect, it may be asked, is it superior to the much deprecated law of the twelve tables? We do not, indeed, countenance the partition of the unhappy debtor among his enraged creditors, but we do allow his estates and his expectations to be torn in pieces; we do allow him, without mercy or remorse, to be stripped at once of present possessions and future possibilities; to be left without means and without hopes—an outcast and a reproach. If it be against the policy of our code that the unfortunate insolvent and his miserable family should be subjected to domestic servitude or sold to foreign slavery, by how much are we more merciful when we award against him the ignominy of perpetual imprisonment and perpetual poverty? But we are often told, while the debtor suffers justly for his folly or his crime, his innocent dependants not only do not, as in some parts of the world, participate in his punishment, but are, in truth, rescued from want by the more humane provisions of the law. Not to dwell upon the unavoidable insufficiency of provisions for pauperism to supply the accustomed comforts and luxuries of life, your memorialists would humbly submit to your consideration whether there be not something of mistaken humanity in a system which creates the poor for whom it provides? whether it does not argue somewhat of inconsistency if we seem to generate evil for the sake of

doing it away? whether that may not be an unreasonable prejudice which prefers to establish a partial remedy by poor laws rather than a very general prevention by bankrupt laws? Neither, perhaps, will it appear, upon investigation, that the commercial debtor commonly or often suffers justly for his folly or his crime. An enlightened Legislature will undoubtedly be well aware that a circulating medium is the life-blood of commerce; that the obtaining of credit, or what in other men than traffickers and traders might justly be called running in debt, is an essential part of the system of exchange; it is the borrowing from one in order to pay to another in some less valuable form which constitutes the gain of the merchant; and it is the foreseeing how to effect this advantageous commutation which constitutes his skill. This is a game of hazard as well as of calculation, and it is sufficiently clear that any unforeseen check between these successive steps—some inevitable loss, some unexpected disappointment, or even some temporary delay—may prevent his meeting his engagements, and thus involve him in irretrievable ruin. Certainly we cannot say much for the justice which views these dispositions of fortune in the light of criminality, and puts their victim on a level with the idle, the extravagant, and the profligate.

Our humane and admirable law seems, indeed, to depart from its own spirit every way in the case of the unfortunate debtor. It not only renders him obnoxious to an unmerited weight of punishment, but it puts out of its own hands all discretionary right of measuring or apportioning that punishment, and vests an unlimited power in the interested and the irritated. To no purpose are we told that the true interest of the creditor would be to release his prisoner, to put him in a way of honest industry, and to restore him to his credit with the world; for here we find men blinded by avarice rather than guided by interest; and particularly as each creditor reflects that the mercy which he would willingly extend, his neighbor will certainly reject. Thus is the merciless remunerated, while he who indulges the common feelings of humanity loses, or at least hazards, the debt without benefiting the debtor. Where there are many claimants, there will always be some unfeeling or unjust; and we cannot refuse to recollect how much it is in the power of a single individual, for how insignificant a sum, after other means of satisfaction are exhausted, to produce all the evil we have in part attempted to describe. That this unyielding hardness on the part of the creditor is by no means so unfrequent as we could wish to believe, does but too plainly appear when we call up the condition of the English jails, at a former period, during more than a century and a half. From the moment that imprisonment for debt was first granted by law, to the time when the benevolent system of bankruptcy was fully and effectually introduced, we find them crowded and overflowing with the miserable victims of insolvency to an almost incredible degree; and we much fear that the great cities and commercial marts of our own country, even in this enlightened

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and philanthropic age, will afford ample evidence of a strong disposition in creditors to enforce the right of imprisonment in its severest extent.

Hitherto we have considered this important subject principally on the side of mercy. Your memorialists would likewise represent it on the side of justice. The law, as it now stands, appears to leave a wide opening, and to create a powerful temptation to fraud. The debtor, who has nothing to expect from compassion, and nothing to fear from detection, has little inducement to an honest disclosure of effects, which, if utterly surrendered, would probably but ill satisfy the rapacity of the vultures who surround him. To what but the hopeless severity of our law can we attribute the frequent instances of fraudulent conveyances in trust; of fictitious transfers of property; of the security of endorsers before any liability has attached, or who have perhaps generated a spurious credit by the accommodation of their names, with an understanding that no liability ever should attach; of the collusive preference of one or more creditors to the total exclusion of the rest; and the whole complicated tissue of deceit which may be observed in daily operation to sustain the credit of a tottering house, or raise it from its fall? The system of palpable fraud and oppression which has thus grown out of the abuses and imperfections of the law must obviously occasion vast impediment to commercial enterprise and skill. By it credit is greatly affected both at home and abroad. General insecurity begets mutual distrust. We know not who may be honest till he has been tempted, and we have no certain hold on dishonesty in the law. If, then, it should seem that our State insolvent acts, so far as they may tend to impair the obligation of contracts, are unconstitutional and void, your memorialists would suggest to your impartial inquiry whether the practical obligation of contracts is not, in point of fact, as seriously and more frequently impaired by the existence of the evils we have thus briefly enumerated.

There is one other remaining ground upon which your memorialists beg leave to suggest the expediency of amendment in the present law of satisfaction for debt. Its effects upon society are believed to be pernicious in an alarming degree; and your memorialists do not doubt that moral and political results are the chief and peculiar solicitude of enlightened legislation. Its moral effects are believed by your memorialists to be pernicious in an alarming degree, when it is seen that in cases of insolvency no distinction is made between the unfortunate and the profuse; that innocence and guilt are alike tenants of the common jail; that the compassionate are plundered, and justice is cheated of its right; that the honest insolvent is strongly tempted to sacrifice his integrity, and often overpowered; in short, that only the fraudulent debtor, by the secretion of property no longer his, escapes the chief penalties of the law, and only the hard-hearted creditor, by rigorously persisting in his claim, obtains its full benefit. Its political effects may be thought not less alarmingly pernicious when a large number of respectable and industrious citizens are reduced to idleness

and indigence; when they are maintained at the charge of others in utter uselessness and sloth, as a rotten excrescence that is draining the resources of the community; when they may have been driven by long continuance of unmerited punishment to absolute despair; and when the infamy of interminable poverty may have rendered them disaffected and factious.

These abuses and dangers your memorialists humbly conceive may be obviated by the establishment of a uniform and permanent bankrupt law; a law which shall at once satisfy justice and humanity; which shall empower the creditor to check his debtor's ruinous career before it has wholly divested him of means; which shall compel the insolvent, under heavy penalties, to a full disclosure of his effects and of his credits; which shall destroy all collusive intercourse with fraudulent creditors, and remove all probability of secret or fictitious conveyance; which shall enforce an absolute cession and an equal distribution of the bankrupt's property in satisfaction of all lawful claims—a law which, while it shall threaten fraudulent bankrupts with its severest visitation, shall, on the other hand, discharge the person of the fair and honorable debtor from an odious and unreasonable confinement; which shall rescue his future acquisitions from a retrospective liability; and which shall establish some pecuniary emolument as a reward for prudence and good faith, that he may be enabled to renew his blighted hopes, and by the strength of honest industry reattain to usefulness and honor.

Your memorialists can perceive no evil resulting from a system of bankruptcy sufficient to counterbalance these many and great benefits; and they would particularly represent that, in their opinion, the agricultural interest can never suffer from a law by which they do not see that agriculturists are in any way affected, excepting as they may acquire an additional hold upon the merchant for the recovery of their just debts.

Your memorialists have thus far trespassed on the attention of the Legislature from a deep conviction of the importance and interest of the subject which they urge, as well as a firm belief that their suggestions, at the present juncture, when commerce, in an especial manner, demands the fostering hand of Government to protect and assist it, and when the Supreme Court of the United States have recently declared that all State insolvent acts which affect the discharge of the contract are unconstitutional and void, will be noticed with that indulgence which their necessities may seem to require, and that the United States of America will no longer be, as we believe it now is, the only commercial nation in the civilized world utterly destitute of any general provision in the nature of a bankrupt law.

These considerations the undersigned, merchants and traders of Boston, and of other towns within the State of Massachusetts, humbly submit, with the hope that such measures may be adopted for the relief of a numerous and unfortunate class of citizens as Congress in its wisdom may think adequate to that desirable end.

VACCINATION.

[Communicated to the House, January 5, 1820.]
To the honorable the Senate and House of Representatives of the United States of America :

The memorial of the undersigned respectfully represents: That, at a late meeting of a number of gentlemen friendly to vaccination, held in this city, in pursuance of a public notice given for that purpose, your memorialists were chosen a board of managers, in conjunction with Dr. James Smith, the agent appointed by the President under authority of the act of Congress, entitled "An act to encourage vaccination; to organize a national vaccine institution for the United States of America, agreeably to a plan which had been previously proposed by him, and for the support of which considerable sums have been subscribed." It has, therefore, become the duty of your memorialists to solicit your serious attention to this important subject, and if the views of our association fully meet with your approbation, we most respectfully petition and pray that you will grant us an act of incorporation to enable us with more certainty to carry into effect the plan which has been adopted by the society we represent, "to secure the preservation and distribution of the true vaccine matter, for the use and benefit of the citizens of the United States."

Your memorialists do not deem it necessary to enter into any detail of facts to prove to you the necessity which exists of your giving greater encouragement to vaccination; nor yet to demonstrate the many advantages which the public may reasonably expect to derive from the institution now proposed to be established for this purpose. But in an undertaking which appears to us to be so intimately connected with the convenience, health, and general welfare of our fellow-citizens in every part of the United States, it becomes us to submit for your consideration some of the most prominent reasons which have induced us to engage in it.

1st. The small pox, which is a contagious disease, and one of the most fatal and destructive plagues that ever affected the human race, yet exists in our country, and annually destroys the lives of many of our fellow-citizens. The rich and the poor, the old and the young, are alike liable to take this disease. It is not confined to any particular place, but pervades alike our cities and villages; and, searching every where for its victims, penetrates within our inmost and most solitary settlements. Neither are the untutored natives of our land secure from this plague; it is frequently carried into their camps and villages, and produces among them the utmost consternation and despair.

2d. It is now proven, in a manner so fully and clearly as to admit of no doubt whatever, that the true kine pox is a certain preventive of small pox, as well as of all the calamities which are naturally attendant on it. This remedy is never attended with any danger, and may be safely applied by any intelligent person who is furnished with the matter, due care being taken to follow the simple and

easy directions which are now given with it for its proper management.

3d. The matter of the true kine pox (and no other can have any effect to prevent the small pox) is of foreign origin, and is not known, as has been asserted by some, to be indigenous in our country. The peculiarly delicate nature of this matter likewise renders it so extremely liable to perish, that, even when we have it in our possession, we cannot keep it active in our hands, except for very short periods of time, (depending much upon the state of the weather,) without renewing it from one subject to another, with the greatest regularity, care, and attention. From these unalterable circumstances, and peculiar qualities in the nature of the vaccine fluid, there are but few persons who can ever pay such constant and unremitting attention to its preservation as would enable them to furnish it with any degree of certainty when it might be most wanted. The act of Congress to encourage vaccination has been attended with many good effects. The agent appointed under this law has been successful in his endeavors to preserve the genuine virus; and from him the surgeons of the army and navy, as well as the citizens of the United States in every section of our country, have obtained, without interruption, a supply of this remedy as often as they have found it necessary to apply to him for it.

In England, where the vaccine remedy was first discovered, a solicitude proportionate to the difficulty of preserving it has been uniformly manifested; and various institutions have been established there for this purpose, under the direction of the most respectable characters. Of these establishments, the London Vaccine Institution is, perhaps, the most celebrated in the world. In many other parts of enlightened Europe, the most zealous philanthropists have taken an active part in disseminating the kine pox, and in protecting their fellow-men from destruction by small pox.

4th. The use of spurious and other kinds of improper infection, taken in mistake for the real kine pox matter, has often occasioned fatal accidents, and checked the progress of vaccination in places where otherwise it would have been cherished and esteemed. This was particularly the case when the kine pox was first attempted to be introduced into New York, Marblehead, Norfolk, and some other places in this country. Citizens who have been disappointed in this way, or who take the small pox after being assured that they have had the true kine pox, are very apt to be led to doubt the efficacy of vaccination, and to turn a deaf ear forever thereafter to every proof or fact which can be adduced in support of the Jennerian discovery. There is no point, indeed, in which the friends of vaccination are so liable to be assailed, or in which they are so often found vulnerable, as in their liability to use spurious instead of the genuine virus. The most skilful physicians have not been always exempt from making mistakes in this particular. The illustrious Jenner, when he at first promulgated his discovery to the world, had more difficulties to contend with on this score than on any other. He then informed us of the "extreme del-

icacy of the nature of the vaccine fluid," and showed us how easily it could be "disorganized." He also informed us that, with all his care and attention, "an unnatural deviation in this virus from its perfect state frequently occurred to him." Dr. Waterhouse, of Boston, likewise informs us that, "about the latter end of the Autumn, or beginning of the Winter of 1800, the vaccine disease had deviated, in his opinion, from its original character, and assumed a face with which he was not acquainted." In a discovery which has been so recently made known to the world, and which is yet so imperfectly understood by any of us, all these difficulties may be reasonably expected; and whenever they do occur to any practitioner, it is indispensably requisite that he should desist at once from operating, and not attempt to vaccinate any one until furnished with fresh matter, taken from some true and genuine source. The application of the vaccine matter is in itself a very simple business, and has been often intrusted to operators of very little skill; but it requires some considerable knowledge of this matter to enable any practitioner to select the best for his use, or to discriminate, with accuracy, between the true vaccine and the many counterfeit affections which are liable to be mistaken for it. We, therefore, deem it to be of essential importance that some central and responsible institution should be established wherein an uninterrupted supply of genuine matter should be maintained, and from which it ought to be regularly dispensed, on the most free and liberal terms possible, to all who want it. To relieve the public from all doubt or uncertainty in a matter of so much importance to them, the purity and efficacy of this virus should be occasionally tested, and the result of these necessary precautions should be faithfully communicated to the public from time to time.

5th. Another and a very important advantage of such an institution as has been proposed, must arise from its great convenience to the whole community. The public authorities, as well as private citizens, are all alike interested in this establishment. The surgeons of the army and navy require a constant supply of the vaccine matter, and they cannot procure it with certainty on any terms except through the medium of some institution of this kind. An honorable committee of the House of Representatives, in a report on this subject, dated February 3, 1818, gave it as their opinion, and the Government of our country has adopted it as a just and proper precaution, that "the vaccination of those persons belonging to the army and navy, who had never had the small pox, was dictated by duty as well as interest." But the preservation of the vaccine matter, as has been already intimated, is altogether incompatible with the duties which the surgeons in service are bound to perform; it, therefore, becomes necessary for us to supply them with this remedy as often as they may have occasion to use it. But, independent of these facilities which the public authorities will derive from this institution, our fellow-citizens of every description will be most happily accommodated, (when necessity, perhaps, may compel them to resort to it,) by knowing how and where they

can obtain with certainty a proper supply of this matter. There are but few among us who regard as we ought any danger which is at a distance, or out of our immediate view; and there are many who, under these circumstances, cannot be persuaded to make any provision whatever against it. Many families who, when the best opportunity was offered, could not be prevailed upon to use the kine pox, have afterwards, when they became accidentally exposed to the contagion of small pox, searched with avidity for this remedy, and risked their lives upon the first portion of matter they could procure from any source. Many persons, in the moment of danger to a whole neighborhood, have sent messenger after messenger, and one express after another, to very distant places, in the greatest precipitation, and sometimes without being able to procure any matter upon which they could place their dependence. The fatal consequences which are liable to flow from proceedings of this kind, point out to us, in the plainest and most forcible manner, the necessity of preserving this invaluable matter with the greatest care in some convenient and well known place, from whence it may be obtained at a moment's notice, and distributed free of every impediment, and to any extent it may be demanded.

6th. There is at this present time a very large majority of the citizens of the United States liable to take the variolous disease; and, of those who are liable to be affected by it, there is not one-half of them who are willing to submit to be vaccinated, unless they are urged to it by their immediate exposure to the contagion of small pox. This universal carelessness or unwillingness in most people to give themselves any trouble, or to incur any expense on this account, unless impelled by some immediate danger, cannot be too harshly condemned; it is discouraging in the extreme, and seems to forbode to our country, at some future period of time, a more serious calamity by small pox than we have ever experienced from it. We should, therefore, take heed in time, and endeavor, by our constant care and unremitted attention, to preserve the kine pox in its purity and excellence. The more universal its use, the more effectual and certain will be our future protection and safety from small pox.

In the years 1815 and 1816 the cities of New York and Philadelphia became much infected with the small pox, and from them it was soon carried into many other towns and seaports within the United States; from these, again, it was communicated to others, and carried into the interior of our country, where it has existed ever since. Between the months of February, 1815, and April, 1816, their records inform us that one thousand one hundred persons had been diseased of small pox in the city of New York alone, and that of these two hundred and ninety-three had died. In Philadelphia, from January 2, 1807, to January 1, 1817, (omitting three years, from which no account was received,) six hundred and twenty-five persons died of small pox! We have thus indubitable proof that upwards of nine hundred of our fellow-citizens have fallen a sacrifice within a few

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years past to this plague in these two cities alone. But if it were possible for us to bring into one view the sum total of all the mortality and consequent injury which has been sustained in different parts of the United States by small pox within even a few years past, the exposition could not fail to excite a corresponding feeling in yours, as well as in the mind of every person who is capable of comprehending its extent or magnitude. If this destruction of our fellow-creatures were unavoidable, it would certainly be most proper for us to be silent, and to submit to it with due humility of heart, as is our duty under every dispensation of Providence. But the evils here complained of are not unavoidable; they might with greater propriety be said to be of our own creating, for most certainly they are the natural effects of our neglecting an acknowledged duty. In corroboration of this opinion, we can state to you, on authority which cannot be controverted, that during the same period of time above mentioned, when the small pox committed such ravages in New York and Philadelphia, it was likewise introduced into the city of Baltimore, but it was soon extinguished again with very little difficulty; and we are well convinced, from experience, that, if proper care were always taken to vaccinate immediately when the small pox first appears in any place, we could soon subdue and eradicate this plague entirely from our country. If that disheartening apathy, however, which pervades the community in regard to the danger of small pox when out of view cannot be roused into action by any means within our power, the small pox must continue to exist among us, and we must occasionally suffer severely for our neglect of the extraordinary remedy which a merciful and kind Providence has furnished us to prevent it.

Every citizen, therefore, of a discerning mind, who has the prosperity of his country and the welfare of the human family sincerely at his heart, will, we hope, give the proposed plan of a "National Vaccine Institution" his zealous support, and endeavor to bring as many individuals as he can under the healing influence of vaccination. Every child properly vaccinated will afford to the rest of the community one additional security, at least, against the future prevalence of small pox; and in the same proportion as we can increase these securities, so also we will raise up numerous impregnable barriers to the introduction and spreading of the variolous contagion among us.

Signed by Josiah Meigs, Wm. H. Clendinen, Tho. Henderson, Stephen B. Balch, E. B. Caldwell, James Smith.

WASHINGTON CITY, D. C., Jan. 1, 1820.

UNIFORM SYSTEM OF BANKRUPTCY.

[Communicated to the Senate, January 10, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth:

That, when the framers of the Constitution of

the United States gave Congress power to establish uniform laws upon the subject of bankruptcies throughout the United States, they must have foreseen that the commercial intercourse among the several States might at some future period become so extensive and important as to render it advisable, if not necessary, for Congress to exercise the power thus given to them. Your memorialists beg leave most respectfully to suggest for the consideration of Congress whether the period has not arrived which the Convention foresaw, when the interests of the country require that the power vested in Congress upon this subject should be exercised.

Among other things which bind the people of the United States together as one nation, our commercial intercourse with each other must be considered by every enlightened statesman as a band of no insignificant importance; the regulation of it was, therefore, wisely intrusted by the Constitution to Congress. To an extensive and flourishing internal and foreign commerce, it seems to your memorialists that a general system of bankruptcy throughout the United States is essential. In cases where misfortune overtakes and ruins a merchant in any part of the United States, (and what merchant is there whom misfortune may not overtake and ruin?) it is certainly important that some plan should be adopted by which his creditors in every part of the United States should stand upon an equal footing, have an equal chance of receiving a dividend of his estate, and equal means of knowing in what manner his property is to be disposed of.

Your memorialists believe that no other plan than a uniform bankrupt law can be adopted to effect these desirable ends; without it, in cases where a merchant fails, his creditors do not all stand upon the same footing. In some of the States, in case of a debtor absconding, a difference is made by law between the remedies against him afforded to persons residing within the State and those residing in other States. In the State of New York, if a merchant fails and absconds from the State, leaving property within it, a citizen of New York may sue out an attachment against the property which he has left behind him, but a citizen of another State cannot. It is true, indeed, that the property when attached is for the benefit of all his creditors; but it is equally true that if, before he absconds, the debtor has foresight enough to pay his creditors in New York, he may leave his property in the State with perfect safety, and his creditors in other States cannot touch it.

Without a general bankrupt law, all the creditors of a merchant who fails have not an equal chance of receiving a dividend from his estate. When a merchant's affairs become embarrassed in any of our commercial cities, (the practice is so uniform that it has become a perfect system,) he assigns all his property in the first place to pay his confidential friends, who have lent him their names and their money, and thus given him a false credit, which has been the means of his imposing upon others; or he has already assigned, as security for usurious loans procured from some of

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the harpies who infest all our cities, every thing that he has of any value; his honest business creditors get nothing. The truth of this has been felt and will be acknowledged by almost every commercial man in the United States.

Without a general bankrupt law, it is manifest that all the creditors of an unfortunate or dishonest merchant have not equal means of knowing how and in what manner his property is to be disposed of, unless they can be presumed to be intimately acquainted with the laws of every State in which they may have a debtor residing.

Your memorialists cannot but express their strong conviction, founded upon experience, that a general bankrupt law is essential to secure any thing like a just and equal distribution of property among the creditors of unfortunate merchants. Your memorialists, however, beg leave most respectfully to suggest that, although the security of creditors is the first and great object of a bankrupt law, yet the relief of unfortunate debtors, who have honestly given up their property for the benefit of their creditors, is another object of it.

Your memorialists forbear to urge those arguments which are calculated to operate upon the heart, by approaching it through the feelings of compassion in favor of the unfortunate, for reasons which will readily suggest themselves; but they beg leave to state that the situation of the United States seems in their opinion to require, as a mere matter of State policy, that merchants who have become unfortunate should not from that moment be considered as drones in the political hive, unable in any way to contribute to the general welfare. Misfortune is apt enough to drive mankind to desperation, to palsy all manly exertion, and to make the stoutest man a mere infant. The laws of the country should encourage the unfortunate to future exertion, and not sink them deeper in despair; they should hold out, as objects worthy of his future industry, the support of his family, who by his exertions may yet become respectable, and the re-establishment of his own reputation, which, although sullied by misfortune, may yet, through honest industry and exertion, become brighter than ever. By doing so, the State is certainly benefitted, because it is its interest to encourage industry, and to excite as much as possible the exertions of all its citizens in some honest pursuit. The Supreme Court of the United States having decided that the State Legislatures have no authority to discharge insolvent debtors from their debts, unless Congress in their wisdom shall think proper to interfere and pass a general bankrupt law, a merchant who becomes unfortunate in the United States must be content for the residue of his life to become a charge upon his friends or his country. The consequences of such a state of things upon the commercial prosperity of the United States your memorialists leave to those to determine upon whom the duty of regulating and protecting our commerce is intrusted by the Constitution.

Your memorialists most respectfully pray that Congress will pass a law establishing a general system of bankruptcy throughout the United States,

which they believe is called for by the best interests of the country.

And your memorialists will ever pray, &c.

WILLIAM BAYARD, *President.*

JOHN PINTARD, *Secretary.*

PROHIBITION OF SLAVERY IN MISSOURI.

[Communicated to the Senate, January 12, 1820.]

NEWPORT, December 22, 1819.

At a late and numerous meeting held at the State House, pursuant to notice, for the purpose of taking into consideration the expediency of presenting a petition to Congress to prohibit the introduction of slavery into any State or Territory that may hereafter be admitted into the Union, Thomas G. Pitman, Esq., was called to the chair. After reading the circular letter from the New York committee on this very interesting subject, and likewise their address to the American people, which was followed by considerable debate and many applicable remarks, the following resolutions were almost unanimously adopted:

Resolved, That Dutee J. Pearce, Caleb Green, John Slocum, Thomas Peckham, and Edward W. Lawton, be a committee to draught a memorial to Congress, praying them to prohibit the further extension of slavery into any Territory that may be admitted into the union of the States.

Resolved, That David Buffum, David Buffum, junior, Benjamin Hadwen, John Slocum, Stephen Gould, Clarke Rodman, Job Sherman, Thos. H. Mumford, and Edward W. Lawton, be a committee to obtain signatures to the said memorial, and forward the same to Congress as soon as may be.

Agreeably to the first recited resolution, the undersigned, having prepared the annexed memorial, respectfully submit the same to the citizens of the town of Newport and its vicinity for their approbation and signatures.

THOMAS PECKHAM,
DUTEE J. PEARCE,
CALEB GREEN,
JOHN SLOCUM,
EDW. W. LAWTON.

To the Honorable Senate of the United States:

The memorial of the inhabitants of the town of Newport, in the State of Rhode Island, with reference to the bill now pending before your honorable body, authorizing the people of the Territory of Missouri to form a State Government, and for other purposes, respectfully sheweth:

That slavery, as it now exists in the United States, in the opinion of your memorialists, can never be made a matter of reproach to the existing Government or the present generation. It was an evil introduced into the colonies by the parent State, and acquiesced in to a great degree by the colonies themselves, in an age when the

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traffic in slaves was pursued by all nations without a suspicion of its enormity.

The Northern colonies participated in it equally with the Southern, and the navigation of the New England ports, and particularly of this town, was employed continually on the African coast, in the transportation of slaves to the different American markets, and by means of American capital. There can be no reproach, therefore, cast upon our Southern brethren for the introduction of this evil, which as your memorialists conceive, will not equally attach itself to ourselves and to the English nation. We were all equally disposed to embark in the traffic, and to avail ourselves of its proceeds, and the guilt, if any there be, must be shared in an equal degree by the parties concerned. The Constitution of the United States, as is well known to your honorable body, after giving Congress an unlimited power to regulate commerce, with certain reservations as to the intercourse between the respective States, provides "that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

As the reservation here mentioned related merely to the direct trade, an act was passed as early as A. D. 1794 making it unlawful for any citizen of the United States, or alien residing therein, to transport in American bottoms the inhabitants of any kingdom, place, or country, to any other foreign kingdom, place, or country, to be sold and disposed of as slaves, or from the United States to any foreign kingdom, place, or country; and, by a subsequent act, it was made penal to hold property in any vessel whatever so employed, or to serve on board such vessel, whether American or foreign. The direct trade, as is known to your honorable body, had become limited to one or two States, by the enlightened views that prevailed in the South, even before Congress had the authority to interpose for itself. And when the Constitutional period to which the limitation on their power extended was about to expire by the prospective act of March 2d, A. D. 1807, it was declared unlawful to import or bring into the United States any negro, mulatto, or person of color, with the intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, after the 1st day of January, 1808. This law, as is well known to your honorable body, has since been modified by another act, principally with respect to its penalties; and, finally, enforced by a law of the last session of Congress, authorizing the President to employ the armed vessels of the United States on the American and African coasts, to appoint agents to reside in Africa, and to offer bounties for the slaves released. Thus, the United States have the honor of being the first to advocate and the first to adopt those humane and enlightened measures which, after twenty years' earnest and eloquent exhortation, have become the pride and the glory of the States of Europe.

If the people of this country, as is the opinion of your memorialists, were responsible for the continuance of the slave trade after the government of the States and the Union had passed into their own hands, it is equally incumbent on your memorialists, and all others who enjoy the protection of our mild and equal laws, to confine the existence of slavery within the narrowest limits possible. To say nothing of its utter inconsistency with the genius of our republican institutions, and of its fatal effects on the principles and morals of men, the simple circumstance that the Government of the United States has entirely prohibited the importation of slaves, directly or indirectly, as your memorialists have set forth, is sufficient of itself to enforce on us the duty. But it will be in vain that Congress shall prohibit the traffic in slaves under the severest penalties, or that the President be disposed to exert himself to the utmost to enforce these provisions, if an immense market is to be opened in the territories of the West for the unhappy victims of this traffic. The inevitable result of such a course of proceedings must be, as your memorialists apprehend, to increase the temptations to introduce them illegally, already too great, and fatal to the morals and industry of your constituents. It cannot, then, escape the notice of your honorable body that the outlet of the Mississippi and its tributary waters, and generally of the streams that flow into the Gulf of Mexico, is placed by nature in a region beyond almost any other in the Union, open to an illicit trade—a low alluvial country, abounding in inlets, remote from any dense population, in the vicinity of Cuba, a great depot and slave mart—and affording temptations innumerable to a traffic in slaves from the education and habits of the people of Louisiana. The experience of the Government has exactly corresponded to what your memorialists would have presumed to be the case. We refer your honorable body to the explicit testimony of the collector of the customs at New Orleans, (Mr. Beverly Chew,) in his letters to the Secretary of the Treasury on the subject of the piratical establishment at Galveston; and to the statement made at the last session of Congress, and never contradicted, that above 14,000 slaves were introduced into the United States in that year, and principally through these outlets. We would ask, then, with all deference to your honorable body, what can be more feasible to the unprincipled men engaged in this business than, after the Louisiana market is glutted, to introduce slavery to any extent, and with perfect impunity to themselves, into the Missouri State, if Congress should unhappily countenance its existence? Your memorialists cannot doubt for a moment that this would really be the case, and they are persuaded that it has already taken place, to an alarming extent, under the territorial laws.

But admitting, for the sake of the argument, as your memorialists are willing to admit, that the number of slaves introduced into the Union from foreign countries, and in violation of your laws, must ever be inconsiderable, your memorialists are still of opinion that it would be unwise in Con-

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gress to permit the extension of slavery in the new States. The slaves which might then be introduced into Missouri, from the Union at large, would multiply, as your memorialists conceive, to a degree hitherto unknown in this country, not only from the increased facilities of subsistence, but the comparative mildness of her climate. Whilst these causes were operating to perpetuate the evil in the West, the slave population in the Atlantic States must of necessity rise with the demand for labor and the means of life; and the event would be, as your memorialists can confidently predict, that the number of persons of this unhappy description in the United States would be a thousandfold greater than if the slaves were confined, as your memorialists would advise, to the States now holding them.

We would ask, with all deference to your honorable body, when and where is this evil to cease? If it be permitted to the people of Missouri, there is no reason that your memorialists can conceive why it may not be allowed to the inhabitants of every part of Louisiana within the treaty of limits. And, without pretending to any uncommon sagacity on this subject, it is easy for your memorialists to foresee that this will certainly be the case, without the interposition of the General Government. If the United States had no experience whatever of the effects of slavery, and it were still a problem how far it might be beneficial to a State to tolerate its existence in the mildest form, it would appear more credible to your memorialists that citizens of the United States might be found who would be willing to make the untried experiment in our new territory.

But with the convictions which our colonial history and every day's experience are forcing on the minds of your constituents; with the acknowledged fact that slavery was introduced among us in an unenlightened and fanatical age, and that, for nearly two centuries, it has been progressively fruitful of the most unhappy results in this country; and knowing, as we well do, its effects on the state of agriculture, the manufacturing and mechanic arts, and generally on the industrious and profitable habits of a people, and their domestic peace—to think of introducing such a state of things, and of choice, too, in a new country, is to your memorialists perfectly inconceivable.

Your memorialists are well aware that it may be a very obvious reply to the statement of your memorialists, that, admitting the reasonableness of what your memorialists have set forth, it is still incumbent on them to show that Congress have a right to prescribe this condition to a sovereign State. Your memorialists might be content, on this occasion, to refer to the uniform practice of the Government, and to the well known fact that this very condition, and many others, besides, have been made in almost every instance the bases of their admission into the Union whenever new States have been formed out of our old domain. There is nothing, as your memorialists can perceive, in the Treaty of Paris, by which Louisiana was ceded to this country, that makes it necessary for the United States to depart from the practice.

It simply requires of this Government that the Territory in question shall be admitted into the Union as soon as possible, and upon the principles of the Federal Constitution—that is, as your memorialists understand it, precisely in the same manner as other States have been admitted. And, in point of fact, when the southern section of this Territory, under the name of Louisiana, was about to be formed into a State, it was required of it to conform, not to the condition we have mentioned, indeed, (for the situation of the Territory entirely forbade it,) but other conditions were made preliminary to this favor and implying an equal degree of power in the party prescribing them.

It is well known to your honorable body that it was made a positive condition with Louisiana, not only that the lands of the United States within her jurisdiction should never be taxed, and that all purchasers of said lands should enjoy the same immunity for five years after their purchases, but, what is equally remarkable, it is provided that the trial by jury shall be secure to her citizens in all criminal cases, and that the laws which such State shall pass shall be promulgated, and its records, of every description, shall be preserved, and its judicial and legislative written proceedings conducted in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted. Your honorable body is doubtless well informed that, in the Spanish and French colonies established on this continent, the civil law, which never recognised our institution of juries, was introduced at a very early period. And in the province of Louisiana, though it had often changed masters, and had been at times the property of France and Spain, the French language was principally in use. These were circumstances, as your memorialists conceive, of no small import to the people of Louisiana, considering the nature of their education and descent, and, to the apprehension of your memorialists, quite as much a matter of internal regulation as the holding of persons to involuntary servitude. And yet your honorable predecessors of the twelfth Congress, in the exercise, as your memorialists conceive, of their rightful constitutional power to make the admission of a State into the Union conditional, and of the duty incumbent on Congress to guaranty to each State a republican form of government, did prescribe to Louisiana as your memorialists have set forth.

But your memorialists are persuaded that, if no such precedents were to be found in the laws of the Union, and the Constitutional history of this Government were not full of examples to confirm their theory, it would still be very manifest that Congress has ample power to impose this condition, particularly from an examination of the Constitution, in the third and fourth sections of its fourth article, and that the objections drawn from the nature of the State sovereignties are altogether unfounded.

But your memorialists forbear to pursue a discussion to which your honorable body must be far more competent than they can pretend to be. They

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will merely observe to the Senate that, to their apprehension, a question of greater magnitude, and involving considerations of higher moment to the interests and happiness of the American people, has never been submitted to the decision of Congress. They believe that your honorable body must be ambitious of remembrance, and of grateful remembrance, in after-times; and they cannot conceive of a more enviable distinction than that it shall be the happy result of your beneficent measures that in the wildest and most fruitful region of this great continent, and at no remote day, not one human being is denied his natural and inalienable rights. And your memorialists humbly pray that a provision may be inserted in the bill now pending before your honorable body authorizing the people of the Territory of Missouri to form a State government, and for other purposes, forbidding the extension of slavery in said State.

PROHIBITION OF SLAVERY IN MISSOURI.

[Communicated to the Senate, January 18, 1820.]

At a meeting of the citizens of Hartford and its vicinity, held at the State House, on Friday, the 3d day of December, 1819, pursuant to public notice, for the purpose of taking into consideration the subject of permitting slavery in such States as may hereafter be admitted into the Union, John T. Peters was appointed chairman, and J. W. Edwards, secretary.

The following resolutions were adopted:

Resolved, That the existence of slavery in this Republic is an evil deeply to be lamented, and utterly repugnant to the principles of a Republican Government.

Resolved, That, in the opinion of this meeting, the peculiar phraseology of the preamble to the Declaration of Independence, declaring that "all men are created equal," &c., shows conclusively that the illustrious authors of that document never contemplated the further extension of slavery in these United States.

Resolved, That, in the opinion of this meeting, Congress possesses the clear and indisputable right to prescribe the terms upon which any territory may be admitted into the Union as an independent State; and that a contrary doctrine would not only tend to destroy that order and harmony so indispensable to the happiness and union of these States, but would prostrate the powers confided to the General Government by the Constitution.

Resolved, That it is a duty the American people owe to their Republican character, and the honor and glory of their country, to endeavor by all honorable and lawful means, to prevent the further extension of slavery, which we consider to be contrary to the spirit of our free and excellent Constitution, and injurious to the highest interests of the nation.

Resolved, That, while we lament the efforts which the Representatives in the last Congress from the slaveholding States made to extend an evil which all unite in deploring, the thanks of this meeting

are eminently due to those members who so ably and zealously opposed the admission of slavery into the proposed State of Missouri.

Resolved, That the Senators and Representatives in Congress from this State be requested to use every honorable and Constitutional exertion to prevent the admission of slavery into any new State which may be formed.

Resolved, That the Hon. Thomas S. Williams, Rev. Thomas H. Gallaudet, Hon. Sylvester Wells, and Hon. John T. Peters be a committee to draught a memorial to Congress upon this subject, which shall comport with the spirit of these resolutions.

Resolved, That the Chairman of this meeting be, and he is hereby, requested to forward a copy of these resolutions and memorial to the Senators and Representatives in Congress from this State.

Resolved, That Michael Bull, Nathaniel Goodwin, Charles Babcock, Oliver E. Williams, Chas. L. Porter, Thomas Huntington, Joseph B. Gilbert, E. Bolles, Samuel Huntington, Elihu Olmsted, Azor Hatch, and Roderick Terry be a committee to solicit signatures to the said memorial; and that the several printers of newspapers in this State be requested to publish the proceedings of this meeting.

JOHN T. PETERS, *Chairman*.

JONA. W. EDWARDS, *Secretary*.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, inhabitants of the city of Hartford and its vicinity, in the State of Connecticut, respectfully represents: That, as your present session will probably furnish the occasion of deciding a question which deeply involves the character and prosperity of the vast Republic over whose interests you are called by Providence to preside; the welfare of that countless posterity who are to inherit from us that can render human life a blessing or a curse; and the fate of thousands of our fellow-men, whose dearest rights have been so long sacrificed to the plea of necessity or of interest, we deem it a sacred duty which we owe to ourselves, to our country, and our God, to make use of that invaluable privilege which our excellent Constitution affords us, of attempting to influence the Councils of the nation, by every consideration and motive which justice, honor, and a sound policy will sanction, ere the final step be taken, which, if a wrong one, will shroud the prospects of our country's happiness and glory in shades of the deepest gloom.

In doing this, we avow that no influence actuates us but the purest patriotism. We would rise superior to that ignoble jealousy which weighs all political questions in the petty scale of mere State interest, and measures every proceeding of the National Legislature by the contracted standard of advantage to the Northern or Southern, the Eastern or Western sections of our common country. We would feel as Americans, and present to your respectable body only such considerations as are worthy of the regard of those who, in their least important as well as most momentous decisions, should fix a single eye upon the general hap-

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pineness of millions who are to constitute, under the auspices of prudent and magnanimous councils, a great and happy people.

We are inspired with a lively hope that what we may venture to suggest will be weighed with carefulness and candor when we call to mind the honorable and energetic measures which Congress has of late adopted to check the future progress of slavery in the United States—measures which, we trust, will yet derive resistless efficacy from the co-operation of the whole Christian world, from a vigilant enforcement by those officers whose province it is to carry them into effect, and from the repeated adoption of such future auxiliary provisions as the elusive cunning of the traffickers in human blood may yet render necessary to wipe from the character of man one of its foulest stains. Most unhappy will be the result if the accession of new States to the Union, by granting them the privilege of holding a portion of their fellow-men in bondage, should prove to be the discomfiture of those generous efforts which are made to prevent our vast portion of this western hemisphere from being any longer the disgraceful prison-house of the unfortunate sons of Africa.

That the Constitution invests Congress with ample power to impose a restriction with regard to slavery upon such States as may from time to time be admitted into the Union, the territory of which lies out of the original limits of the United States, we think there can be no doubt. The Union is indeed a compact of independent and sovereign States; but it is a compact whose base rests on the principles which all the States avowed in their combined struggle for freedom; on the principles of relative justice, of mutual sacrifices of interest for the general welfare, and of a surrender of individual rights to promote the strength and prosperity of one common Republic.

These principles, which, under Providence, gave vigor to the resistance of the colonies against the usurpation of the mother country, and a happy result to that resistance, did not cease to have a binding force upon the States when the conflict for liberty was over, and when, assuming again for a little while their original sovereignty, they deliberated in their individual capacity upon the adoption of such a form of government as would best secure to them and their posterity the blessings for which they had been contending. They were unshackled, it is true, by the restrictions of any written instrument, but they were still bound to each other by the ties of honor and justice. When we find them proclaiming to the world as one of the principles—nay, as the fundamental principle under which they had acted in concert—“that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness,” can we cast such a reproach upon the worthies who conducted their councils as to suppose that they meant entirely to abandon this principle, or not to feel its force? Its application, indeed, was waived with reference to those States whose policy led them to make it a condition of their adoption of the Federal Con-

stitution that they should retain the privilege of holding slaves, and that these slaves should go to increase the mass of their population who should be entitled to a voice in our National Councils. But this was done in the spirit of compromise; and the original principle which was avowed in the Declaration of Independence revives, in all its primitive force, with reference to any new States which may be admitted into the Union, and which lie out of the limits of those States who made the compromise; so that no argument in favor of the absolute and entire sovereignty of new States is more fallacious than that drawn from a supposed analogy between their relation to the Union and that which existed between the States who originally formed this Union.

There has never been a period in our history since the time of our first resistance to Great Britain that a greater or less surrender of the rights of State sovereignty has not been made for the general good; and if, for the same object, such a surrender is now demanded of any portion of our country that wishes to enjoy the privilege of becoming a State, it has no right to complain of partial treatment; and unfounded indeed is such a complaint, when the surrender required, or the restriction imposed, is sanctioned by one of the fundamental principles of the great charter of our liberties; a departure from which, for reasons that no new State can now urge, was once reluctantly made in order to secure the unanimous adoption of the Federal Constitution.

Surely, if the States who were the original parties to the compact had a right to stipulate with each other with regard to the surrender which each should make of some portion of its sovereignty for the common weal, they have now the right, through Congress, as their organ, to make similar stipulations for the same object with those who are to become new parties to the compact. The only question, then, that remains is, has the Constitution empowered Congress to act as this organ? The third section of the fourth article of that instrument says: “New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.” The fair construction of this language is, that Congress is to judge of the expediency of admitting new States into the Union, and also of the terms of their admission; and, lest this power vested in Congress should seem to encroach upon the sovereignty of the States who were actually parties to the compact, their consent is made necessary in case new States are formed out of them, or by their junction; which evidently proves that, in all other cases, the power of Congress was to be complete and unrestricted. As the Constitution nowhere gives any portion of territory, or any mass of population, the right to force itself into the Union; and as it nowhere describes the precise conditions upon which new States may be admitted, but refers the whole sub-

Prohibition of Slavery in Missouri.

ject in the most general terms to Congress, it seems to result from the very necessity of the case, as well as from the fair interpretation of the Constitution, that Congress must judge of the expediency and of the conditions of all such admissions. This power Congress has more than once exercised; nor have the various restrictions which it has imposed upon several of the new States, as the terms of their admission into the Union, been heretofore considered any infringement of the Constitution, or undue encroachment upon State sovereignty. Good faith, therefore, will be strictly kept with those who have become subject to the Government of the United States by the treaty of the cession of Louisiana, if, upon their wishing to be made a new State, they are required, as a condition of this, to pledge themselves to interdict slavery within their limits; for, although the treaty stipulates that they shall be incorporated into the Union of the United States, and admitted as soon as possible to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, yet, all this is to be done, as the same treaty stipulates, "according to the principles of the Federal Constitution." Like every other citizen of the United States, a citizen of the contemplated new State will have the privilege of holding slaves in those States where slavery is permitted; and, like other citizens, be debarred this privilege in States where slavery is not permitted. Nor does it at all affect the merits of the case that his own happens to be one of these States. Without going into any detail of argument, the same reasoning applies, *mutatis mutandis*, with conclusive force to the objection which is raised to the proposed restriction against the existence of slavery in any new State, from that article in the Constitution which provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

So far from injustice being done to the slaveholding States by the proposed restriction, which it is contended by many would be the case, we feel it a duty we owe to ourselves, as citizens of a State in which slavery is forbidden, to urge upon the consideration of your respectable body, the constituted guardian of our political rights and liberties, that the permission of slavery in the new States will be an unwarrantable departure from the principles of that compromise which it is confessed led to the formation of that part of the Constitution which gives to the slaveholding States such an influence in the councils of the nation from a great mass of the population who are not recognised or treated as freemen. This was, in fact, a bargain made between distinct and independent contracting parties, and, in good faith, this bargain ought not to be stretched in its application to any new parties, without the consent of all those who originally made it.

But these considerations are merged in the more important ones of national policy and interest. The evils which are already felt, and the more dreadful ones which are to be feared, from the existence of slavery in our country, will, in the opinion of your memorialists, be greatly enhanced by the

extension to new States of the privilege of holding their fellow-men in bondage. With all due regard to the best interests of those of our fellow-citizens who are at present immediately exposed to those evils, we do sincerely believe that their safety, as well as that of the Union, depends upon keeping the slave population of our country within the narrowest possible limits. If coercion be necessary, it can be most easily, promptly, and successfully applied. If dangers are to be apprehended, they will most quickly be perceived. If plans of gradual emancipation are to be adopted, they will be more efficaciously carried into effect. Philanthropy has, indeed, pleaded in behalf of those who are in bondage, that their condition will be meliorated by scattering them over a greater extent of territory. Admitting that this might in some instances be the case, yet the prospect of a final deliverance from this miserable captivity would be diminished, if not destroyed; and that cupidity, which now is cunning enough to elude the watchful eye of civil authority, would have new temptations presented to excite its more insatiable desires; new markets would be opened for its cruel enterprises; and the places of those who might be carried to spread the contagion of this terrible moral disease into regions which are yet unsullied by its contamination would soon be supplied by a succession of fresh victims. Besides, we deprecate the diffusion of the slaveholding spirit, so incompatible with the noble and ingenuous character of freemen; so unhappy in the association which it forms in the minds of the rising generation, who are the hope and stay of our country; so inconsistent with the manly attitude which we have taken among the nations of the earth as the asserters of human freedom; so destructive of the physical strength of a State, by impressing on the brow of honest labor the mark of servitude and disgrace; so discouraging to the gradual progress, through a vast and growing territory, of a bold and hardy yeomanry, tillers of their own soil, and its most able defenders; so hostile to the temper of that religion which is at once the brightest ornament and surest strength of a people; and so ungrateful in its exercise towards that Being to whose justice we appealed for protection when we ourselves felt the pressure of that very yoke of bondage which now bears with a more galling and cruel weight on thousands of our fellow-men. He delivered us from the yoke, and he has crowned that deliverance with a profusion of the choicest blessings. What do we not owe to his goodness!

In making such appeals, we boast of no moral superiority over our Southern brethren. We well know that this dreadful curse was entailed upon them, and that too many of our own citizens have contributed to its continuance. We sympathize with them in any evils from this source which they feel, or dangers which they may fear. We rejoice with them, too, in any prospects which a kind Providence may be opening for the gradual and complete deliverance of our common country from this stain upon its reputation and canker of its prosperity; we hail, with them, the dawning of a happier day, when the combined efforts of our

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own and the other nations of the earth shall generously redress the wrongs of injured Africa, and, if possible, repay her sufferings, by raising her from her present state of moral and political degradation to the enjoyment of all those privileges for the possession of which she is now stretching forth her supplicating hands.

It is to give our own favored nation the best opportunity to take such a part as wisdom and prudence may suggest in this noble work of benevolence; to shield it against the imputation under which it has too long labored, that it can wield with one arm the weapons of war against its oppressors, while it rivets with the other the chains of bondage upon its unhappy victims; and, in the mean time, to furnish it with the best safeguard against the evils which may result from its misfortune or its crime, that we have united with others of our fellow-citizens in the object of this memorial, which we lay before your respectable body, with the assurance that, as it rests upon the immutable basis of truth and justice, its influence will not be lost.

ATTORNEY GENERAL.

[Communicated to the Senate, March 29, 1820.]

ATTORNEY GENERAL'S OFFICE.

SIR: I beg leave to call your attention to the state of this office, and to some material defects which, I think, exist in the laws in relation to it, with the view that the subject, if you shall think it of sufficient importance to merit this course, may be presented, through your committee, to the consideration of Congress before they rise.

The commission of the Attorney General "authorizes and empowers him to execute and fulfil the duties of that office according to law." The only law which points out those duties is the act of Congress of the 24th of September, 1789, entitled "An act to establish the judicial courts of the United States," the thirty-fifth section of which act creates the office, and designates its duties in the following words: "And there shall be appointed a meet person, learned in the law, to act as Attorney General for the United States, who shall be sworn or affirmed to the faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law, when requested by the President of the United States, or when requested by the Heads of any of the Departments, touching any matters that may concern their Departments." It is to be observed that there is no duty which the President or any Head of Department performs which does not involve some principle of law under the head either of the national or conventional law of nations, Constitutional law, or municipal law; consequently, there is no duty which belongs to either of those officers on which he has not the right to require the opinion of the Attorney General, and on which it is not continually required;

and, in relation at least to questions on municipal law, (which are incessantly occurring,) it is understood that the Heads of Departments consider the advice of the law officer conclusive.

In the operations of an office whose sphere of action is so wide, and whose decisions are of such extensive and unremitting practical effect, it would seem to be of consequence to the nation that some degree of consistency and uniformity should prevail; but it is obvious that these can be attained in no other way than by putting the incumbent for the time being in full possession of all the official opinions and acts of his predecessors.

Under this impression, when I had the honor of receiving the appointment, my first inquiry was for the books containing the acts of advice and opinions of my predecessors. I was told there were none such. I asked for the documents belonging to the office, presuming that at least the statements of cases which had been submitted for the opinion of the law officer had been filed, and that I should find endorsed on them some note of their advice in each case; but my inquiries resulted in the discovery that there was not to be found, in connexion with this office, any trace of a pen indicating, in the slightest manner, any one act of advice or opinion which had been given by any one of my predecessors, from the first foundation of the Federal Government to the moment of my inquiry. Thus, the gentlemen who have held this office in succession, having no guide as to the past, have been in constant danger of being involved themselves, and involving the Departments which depended on their counsel, in perpetual collisions and inconsistencies, and exposing the Government to that kind of degradation which never fails to attend an unsteady and contradictory course.

In noticing the omission to keep these records, and preserve the statements and documents, I am very far from intending any censure on my predecessors, for no law had enjoined it on them as a duty; and from the multitude and variety of questions which are unavoidable pressing upon this office throughout the year, it is very apparent that the plan which I suggest could not have been executed without an expense in clerk hire here, fuel, stationery, &c., for which there is no provision by law.

After this explanation, I submit it to you, sir, with great deference, whether it would not be expedient that some provision be made, by law, for keeping a record of the opinions and official correspondence of the Attorney General in his office, and for preserving in his office the documents submitted for his advice.

Again: the subjects on which the Attorney General is occasionally consulted, and those on which he has to act in the Supreme Court, turn not unfrequently on the local laws of the several States; but these have not been furnished to his office, and the omission is a serious practical evil. Would it not be well that the office of the Attorney General should be supplied with these laws?

Another defect seems to me to exist in the law

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as it now stands. You will observe that the only law which prescribes the duty of the Attorney General, and which I have already quoted, limits the obligation upon him, and consequently limits his rights to give official advice and opinions to cases in which he shall be called upon by the President, or by any of the Departments, touching any matters which may concern their Departments. But I am told (and, in my short experience, I have already found it true, in part) that the advice and opinion of the Attorney General, in his official character, are called for by the committees of Congress, standing and special, by all the district attorneys, collectors of customs, collectors of the public taxes, and marshals throughout the United States, by courts-martial, military and naval, wheresoever they may sit, &c. If it be advisable to open the office of the Attorney General to applications of this kind, I submit it to you, sir, whether it would not be expedient to have it provided for by law. 1st. That the several officers and public bodies which have been mentioned, instead of resting on the personal courtesy of the Attorney General, may be authorized to call for his opinion as a matter of right; and 2dly, (which strikes me as being of equal if not superior importance,) that the Attorney General himself may be justified in giving an official opinion in these cases; for, in a Government of laws like ours, it seems to me of importance that the influence of every office should be confined within the strict limits prescribed for it by law. It cannot be questioned, from the connexion of the Attorney General with the Executive branch of the Government, that his advice and opinions, given as Attorney General, will have an official influence beyond and independent of whatever intrinsic professional merit they may possess; and whether it be sound policy to permit this officer, or any other under the Government, even on the application of others, to extend the influence of his office beyond the pale of the law, and to cause it to be felt where the laws have not contemplated that it should be felt, is the point which I beg leave to submit to your consideration.

There is, however, a strong objection to any new provision which should go to open the office of the Attorney General, as now organized, to applications beyond the provision of the act of 1789. It is this: I am convinced that no single, unassisted individual, whatever may be his strength, his habits of industry, or the system and celerity of his movements, could discharge, in a manner satisfactory to himself or the nation, the vast load of duties which would be thus thrown upon him, without devoting himself to them solely and exclusively. The very frequent calls which are regularly and properly made upon his office under the act of 1789, and the careful and elaborate examination which it is often necessary to bestow upon these subjects, are found to be sufficient, in connexion with the Attorney General's duties in the Supreme Court, to give the office, at present, almost constant occupation; and if, in addition to these duties, he shall be placed under a legal obligation to answer all the other calls which have been mentioned, he must unavoidably abandon

entirely the individual pursuits of his profession, and rest for the support of his family on the salary attached to the office. Even under the duties as they now exist, very little time is left to the Attorney General to aid the salary of his office by individual engagements—a fact which may explain, in part, the frequent resignations of this office which have heretofore occurred.

I would not have troubled you with these suggestions at this time, but that the subject strikes me as being of so much practical importance to the nation as to merit consideration, and that it relates to an office, the defective organization of which, however grievous to the incumbent, or injurious to the public, would not be apt to force itself on the notice of others.

I have the honor to be, &c.

WM. WIRT.

HON. HUGH NELSON,
Chairman Judiciary Com. H. R.

WASHINGTON, March 28, 1820.

DEAR SIR: I understand that the appropriation bill, as it passed the House of Representatives, is now before the Senate; and, not having observed who is the chairman of the committee to whom the subject will belong, I beg leave to call your attention to a change which has been made in the appropriation relative to the office of Attorney General.

In the year 1818, I addressed a letter to the chairman of the Judiciary Committee of the House of Representatives, relative to the state in which I had found the office of the Attorney General, and the causes that had produced it. Mr. Strother, of the House of Representatives, has now a copy of that letter, which you will please receive from him. This representation made it manifest that the public good required the appointment of a clerk to record those official opinions of the law officer of the Government by which the movements of the several Departments were regulated, in order to preserve consistency and harmony in the operations of the Government in execution of our laws, under every change of the public officers. A clerk was accordingly appointed, at a salary of \$1,000 per annum; but as it was idle to appoint a clerk, and allow rooms for an office, without allowing also stationery, fuel, and a boy to attend to the menial duties of the office, a small contingent fund of \$500 was allowed to procure these articles, the whole of which were strictly for the public good.

I understand that the House of Representatives have stricken off \$200 from the salary of the clerk, and have stricken out also the whole of the \$500 for contingencies; thus leaving a clerk, indeed, at a reduced salary, but not leaving the means to employ him, to wit, stationery, fuel, &c. The manifest injustice of requiring me to furnish these articles for public use will, I doubt not, produce a reinstatement of the allowance of the contingent fund, which, indeed, is scarcely adequate to its object; since, out of this allowance of \$500, there are to be supplied fuel, stationery, a boy to attend to the

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menial duties of the office, carrying messages, &c., and the printer's bills for all the statements required for the United States cases in the Supreme Court. You will learn, on inquiry, that the whole \$500 will scarcely pay a messenger in any other office.

If you think the case worthy of attention, I would thank you to represent it to the chairman of the committee who have the subject under consideration, and to the Senate, if necessary.

Your friend and servant,

WILLIAM WIRT.

The Hon. NINIAN EDWARDS.

ADJUSTMENT OF BOUNDARY BETWEEN KENTUCKY AND TENNESSEE.

[Communicated to the House, April 14, 1820.]

The States of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said States in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have for that purpose appointed their respective commissioners, that is to say: the State of Kentucky, on her part, has appointed John J. Crittenden and Robert Trimble; and the State of Tennessee, on her part, has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations.

ARTICLE 1. The line of boundary and separation between the States of Kentucky and Tennessee shall be as follows, to wit: The line run by the Virginia commissioners in the years 1779 and 1780, commonly called Walker's line, as the same is reputed, understood, and acted upon by the said States, their respective officers and citizens, from the southeastern corner of Kentucky to the Tennessee river; thence with and up said river to the point where the line of Alexander and Munsell, (run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled "An act to run the boundary line between this State and the State of Tennessee, west of the Tennessee river, approved February 8, 1819,") would cross said river; and thence, with the said line of Alexander and Munsell, to the termination thereof on the Mississippi river, below New Madrid.

ART. 2. It is agreed and understood that, from the point where Walker's line strikes the Tennessee river to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be the common boundary of said States, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee which forms the common boundary between the two States shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals, heretofore made under the laws of North Carolina or Tennessee, shall be valid.

ART. 3. Whenever the Governor of either State shall deem it expedient to have the boundary be-

tween the two States which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other State, and thereupon, with all convenient despatch, two surveyors shall be appointed for that purpose, one by the Governor of each State; and the surveyors so appointed shall have power to employ a competent number of chain-carriers and assistants, and they shall ascertain, survey, and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the Governor of his respective State, to be deposited and preserved in the office of the Secretary of State, for a testimony and memorial of the boundary between said States; and all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said States jointly and equally.

ART. 4. The claims to lands lying west of the Tennessee river, and north of Alexander and Munsell's line, and derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

ART. 5. All lands now vacant and unappropriated by any person or persons claiming to hold under the State of North Carolina or Tennessee, east of the Tennessee river, and north of the parallel of latitude thirty-six degrees thirty minutes north, shall be the property and subject to the disposition of the State of Kentucky; which State may make all laws necessary and proper for disposing of and granting said lands, or any part thereof, and may, by herself or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law and equity in the State of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article shall not be subject to taxation by the State of Tennessee for five years, except so far as the same may, in the mean time, be appropriated by individuals.

ART. 6. Claims to lands east of the Tennessee river, between Walker's line and the latitude of thirty-six degrees thirty minutes north, derived from the State of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line; but such claims shall be considered as rightfully entered or granted, and the claimants may enter upon said lands, or assert their rights in the courts of justice, without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two States, saving, however, to the holders and occupants of conflicting claims (if any there be) the right of showing such entries or grants to be in-

Roads contemplated by the Treaty of Brownstown.

valid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

ART. 7. All private rights and interests of lands between Walker's line, from the Cumberland river, near the mouth of Oby's river, to the southeastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersects Walker's line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, heretofore derived from Virginia, North Carolina, Kentucky, or Tennessee, shall be considered as rightfully emanating from either of those States; and the States of Kentucky and Tennessee reserve to themselves, respectively, the power of carrying into grant claims not yet perfected; and in case of conflicting claims (if any there be) the validity of each claim shall be tested by the laws of the State from which it emanated, and the contest shall be decided as if each State, respectively, had possessed the jurisdiction and soil, and full power and right to authorize the location, survey, or grant, according to her own rules and regulations.

ART. 8. It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated; and should any disagreement arise as to the interpretation, or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the Executive of each State, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

ART. 9. Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two States is hereby pledged that they will unite in making such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

ART. 10. The foregoing articles and stipulations, if ratified by the Legislature of Kentucky during their present session, shall forever be obligatory and binding on both States, and take effect from this day.

In faith whereof, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals. Done in duplicate, at Frankfort, the 2d day of February, 1820.

JOHN J. CRITTENDEN. [SEAL.]

ROBERT TRIMBLE. [SEAL.]

FELIX GRUNDY. [SEAL.]

WILLIAM L. BROWN. [SEAL.]

ROADS CONTEMPLATED BY THE TREATY OF BROWNSTOWN.

[Communicated to the House, May 12, 1820.]

Mr. WOODBRIDGE, from the committee appointed to inquire whether any, and, if any, what further provision may be necessary to give effect to the provisions of the treaty made at Brownstown, in the Territory of Michigan, reported:

That the treaty referred to was concluded on the 25th day of November, 1808, and that its exclusive object appears to have been to obtain the establishment of a practicable and convenient road from the interior settlements of the United States to those of the Territory of Michigan.

Many of the tribes of Indians with whom that treaty was concluded were, in virtue of previous treaties, entitled to receive within that Territory large annuities; there never had been any artificial road leading to it, except through the province of Upper Canada; delays had consequently occurred in the transmission of those annuities, and reiterated complaints were made because they were not received; or, if received, frequently damaged. To obviate such difficulties, and in the expectation that many important advantages would result to them from a measure which promised to bring them more immediately under the observation and protection of the Government, the Indians, parties to the treaty, without any further remuneration than such incidental benefits as they anticipated from the establishment of the proposed road, voluntarily ceded to the United States a tract of land of one hundred and twenty feet in width, extending from the "foot of the rapids of the Miami of the Lake" to the western line of the "Connecticut Western Reserve," and all the land within one mile of said tract on each side of it; and, also, another tract of land of one hundred and twenty feet in width, extending from Lower Sandusky, southerly, to the boundary line established by the Treaty of Greenville. This treaty is, in the body of it, declared to be reciprocally binding; but it is observable that no new obligation, of any nature, seems to have been imposed by it upon the United States, unless it may be fairly inferrible, from its context, its avowed object, and the circumstances attending its conclusion, that this Government became bound to establish and maintain the contemplated road.

The intention of the parties to the treaty your committee believe to be obvious; the history of the transaction, the repeated declarations of the Indian chiefs who were parties to it, and the sentiments of Mr. Jefferson, then President of the United States, and who directed the negotiation, as they are disclosed in his Message to this House of the date of January 30, 1808, which accompanied a copy of the Treaty of Detroit, combined with the evidence furnished by the context of the treaty, indicate, conclusively, the establishment of a safe and convenient road as the sole object of the negotiation.

No measures, however, seem to have been adopted with a view to the attainment of that object until, by an act of Congress of the date of December 12, 1811, the President of the United States was authorized to appoint three commissioners to explore, survey, and mark the most eligible course for the proposed roads; and the sum of \$6,000 was appropriated to defray the expenses of executing the law.

Before any progress, however, could be made in giving effect to the views of Congress, war existed between this nation and Great Britain; and, of

Roads contemplated by the Treaty of Brownstown.

that war, the first fruits were the temporary loss of that entire province, to open an avenue to which was the object of the law referred to. The lamentable consequences which resulted from so humiliating an occurrence it is quite unnecessary to detail; it is sufficient to ask the attention of the House to the fact, that the barrier interposed by the northwestern posts having been broken down, the congregated force of the northern Indians was immediately felt along the whole interior and incurved frontier of Ohio and Indiana. Such a state of things was not favorable to the purpose of exploring the country and establishing roads. The money which was appropriated for the purpose of giving effect to the Treaty of Brownstown was soon lost in the immense aggregate of disbursements rendered necessary to enable the northwestern army under the command of General Harrison to advance: the greater part of the sum was expended in opening a road—of the first importance, certainly, for without it the northwestern army could have made no progress; but quite useless as it regards the permanent and paramount object contemplated by the Treaty of Brownstown—that of obtaining a good road over the Black Swamp. Not a solitary traveller now finds his way along that avenue; it is principally indicated by the broken remnants of baggage-wagons and gun-carriages, the scattered remains of flour barrels, and mouldering skeletons of horses and oxen, remaining, as they were left, just visible above the surface of the mud and wet which destroyed them. The road being found thus entirely useless, the President was authorized by an act of Congress of April 16, 1816, to alter its location. It is believed that some progress has been made, through the War Department, in the selection of a better site for a road, but no progress has been made in opening it; and it seems to your committee quite impossible, by the aid only of a small and diminished military force of the Government at Detroit, to effect at any time so desirable a work.

Such had been the proceedings in reference to the Treaty of Brownstown, and such the small progress made towards the accomplishment of its purpose, when, in September, 1817, the Treaty of the Rapids of the Miami was concluded; by the subsequent ratification of which, the Indian title to the whole country within which the contemplated roads were to be located became vested in this Government.

It has not escaped the observation of your committee that this treaty may be considered to affect materially the relation in which the General Government previously stood in reference to the Treaty of Brownstown; yet they have supposed that if the obligation imposed upon this Government by the last-mentioned treaty were an absolute one, if no election were given to the United States originally to make the roads contemplated and accept the cession, or, at their pleasure, to dissent from the grant and refuse to make and continue the roads, then the obligatory force of the Treaty of Brownstown cannot justly be deemed to have ceased in consequence of the treaty of the 29th September, 1817; but that, in good faith, this Government is

still bound to fulfil all its requisitions. Without endeavoring, however, to arrive with technical precision at the only true construction of which these treaties may now be susceptible, your committee remain entirely satisfied that other considerations, founded in motives of the truest economy and the soundest policy, imperiously require the positive accomplishment of the views disclosed by the parties to the Treaty of Brownstown.

The Black Swamp, so celebrated in the annals of our recent history, is an extensive morass, which winds round the southeastern border of Michigan; it terminates on the north at the border of Lake Erie, comprehending a width of about thirty miles; it extends so far southerly and southwesterly as to interrupt all communication by land between the settlements in Michigan and those of the interior of the United States. It consists of an elevated basin of impervious clay, upon which rests a thick stratum of fertile black loam; there is so little inclination in its general surface that, though numerous streams pass through it, there is little opportunity for the water with which it is sometimes almost entirely covered to escape from it, except by the slow process of evaporation; while, at the same time, there exist unequivocal indications that its surface is elevated so far above the level of the water-courses and of the lake as that, by artificial drains, it may be made subservient to all the purposes of profitable agriculture.

No reliance, however, can be placed upon the individual industry of that country to construct a road over such a morass. The construction of a road must precede the establishment there of any considerable population.

The State of Ohio, within whose limits this morass is principally situated, if she possessed more ample funds than she does possess, could find no sufficient inducement to such an undertaking, for she has, comparatively, no inhabitants beyond it to protect; it forms the boundary of her population in that direction. Such a road must, therefore, be a national work. And, in addition to all those political considerations which so obviously and so powerfully dictate the construction throughout the Union of artificial roads and canals, there are others of local application, which, in the opinion of your committee, do imperiously call for the attention of the General Government to this particular section of the Union.

Such a road as is proposed would pass through a vast country of uncultivated land, the whole of which yet remains the exclusive property of the Government. Public lands are here considered a legitimate source of public revenue. To carry into effect the provisions of the Treaty of Brownstown would not only bring into market the beautiful country which is beyond the Miami, with the certain prospect of better and more accelerated sales, but would induce the settlement of that country, now so repulsive in its aspect, which lies between the Sandusky and the Miami, over which the road would go; it would soon be reclaimed; the construction of the road itself would uncover a considerable portion of the adjacent land, and fit it, with little additional expense, for immediate cultivation.

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Your committee feel that they hazard nothing in the proposition that, in a pecuniary point of view alone, this nation would soon find itself more than remunerated for the expense which might be incurred in the construction of the road, by the increased value of the public lands, and the accelerated sales it would induce.

There remains another and a distinct view of this subject, which your committee feel it a duty briefly to present. In examining the topic referred to them, your committee could not fail to consider it in regard to the military defences of the country.

The situation of the Territory of Michigan, in relation to the province of Upper Canada, renders that frontier, more than any other perhaps, peculiarly exposed; its settlements, rarely penetrating into the interior, in no place presenting a very dense population, extend along the meandering shores of the lakes and straits from Lake Erie to Lake Huron, and approach the very verge of the national boundary; they lie at the foot of that vast avenue which leads through Lakes Huron and Superior into the immense country of the northwest, and down which, with surprising facility, a formidable Indian force may at any time be brought upon them. In its rear, and intervening between it and the interior settlements of Ohio and Indiana, there still continues a numerous and powerful Indian population of many thousands, while its southeastern termination rests upon that formidable morass which so entirely separates that Territory from the strength and the power of this nation. So circumstanced, this prolonged line of settlement is opposed in front by the most thriving population of Upper Canada—a population increasing with a rapidity unprecedented in the annals of Canadian history, and which, whether its moral or physical character be considered, will hereafter be found more formidable, it is believed, than that of any other portion of either Canada.

Opposed by difficulties on all sides, and completely isolated, it would be unreasonable to suppose that the people of the Territory of Michigan, though influenced by the most devoted patriotism, could alone successfully resist so complicated a pressure as, in the event of a future war with Great Britain, may be brought to bear upon them. But, how much soever it concerns the honor of this nation to sustain its authority and to protect its people in every part of the empire, yet any consideration founded alone in the exposed condition of the inhabitants of Michigan becomes of diminished importance when the situation of that territory is adverted to, as it has relation to the interior frontier of Ohio, Indiana, and even Illinois. It is on the peninsula of Michigan alone that the exposed parts of that frontier can be cheaply and securely defended against Indian or English hostile incursions. The military positions of Detroit, Fort Gratiot, and Michilimackinac, and their intervening and neighboring settlements, are, in relation to that greatly extended interior frontier, a perfectly effectual *redoubt*. No enemy can approach it, except the citizens of that remote country, and the authority of this nation there, be first prostrated in the dust.

Your committee do not deem it important to fortify the proposition which on this point they advance by any train of deductions; they only beg leave to advert to two distinct periods in the history of that country, feeling entirely satisfied that an illusion to them, in connexion with the subject of this report, will be found to justify any practicable measures which may tend to increase the effective strength of the territory, or render more safe and practicable its communication with the interior of the Union.

In all that period which intervened between the treaty of peace of 1798 and the surrender to this Government of the northwestern posts, and while the Territory of Michigan was in the possession of a Power either hostile or indifferent to the peace of this country, it is matter of history that the western settlements were in a state of continued warfare; from the heights of the Alleghany to Natchez, its whole line of frontier was marked by blood and fire. But when the authority of this Government was established there, Indian hostility was neutralized; and, under the cover of profound peace, the Western country grew rapidly. Held in check by the barrier which the possession of the settled parts of Michigan enabled this nation to interpose against the English and the Indians of the northwest, the Indians of the peninsula of Michigan and of the northern part of Ohio were deterred, during the early part of the late war, from acts of hostility; but when the authority of this nation was prostrated there, distress and dismay pervaded the whole defenceless line of the most advanced settlements, from Cleveland, on Lake Erie, through Ohio and Indiana. But when again, before the conclusion of the war, this Government had, at an almost infinite expense of money, and by a sacrifice of blood which was above price, reoccupied these positions from which it had been driven, the scene of war was again removed, and the battles of Ohio, Indiana, and Illinois, were fought on the borders of Michigan.

The inference your committee would deduce from the historical facts alluded to is, they flatter themselves, manifest. It consists, unquestionably, with the true policy of this Government to throw into the peninsula of Michigan, by every practicable means, a dense population; and it is more especially their true policy to construct over the Black Swamp a permanent, safe, and convenient public road. Such a measure is dictated by good faith; for there can be no doubt but that the measure was contemplated by the parties to the Treaty of Brownstown. It is dictated by a wise regard to national economy; for the contemplated road would open an avenue to a fertile and beautiful country—the peninsula of Michigan—a country the soil within which is almost exclusively the property of the nation. It would conduce greatly, too, to the settlement of the immediate country, which is also the exclusive property of the nation, and the settlement of which must, almost of necessity, be preceded by some extraordinary effort of the National Government. But such a measure is not less imperiously called for as an almost indispensable measure of defence. The prodigious

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sums of money which were expended in the efforts which the nation made to reoccupy that territory would have constructed many such roads—efforts which could never have been called for; for if, in the spirit of the Treaty of Brownstown, good roads had, previously to the war, been constructed, if a convenient and practicable communication between Ohio and Michigan had existed, this nation would have been spared the humiliation of witnessing a disgraceful capitulation, and that devoted people would have been saved from the indescribable horrors of Indian devastation.

Every view which your committee have been able to take of the subject referred to them having confirmed them in the very decided opinion to which they have arrived, that a public road ought to be constructed from the Miami to the western line of the Connecticut Western Reserve, it remains for them respectfully to submit their opinion as to the best means by which that desirable object may be effected. They have not been regardless of the diminished amount of the public revenues; they are aware of the strong desire entertained by the House to limit the public expenditures to the smallest practicable sum; and it is with much satisfaction, therefore, that they feel themselves justified in recommending an expedient which they think will be adequate to the exigency, without any specific appropriation of money.

On reference to the stipulations contained in the Treaty of Brownstown, it is observable that a mile in width on each side of the contemplated road from the Miami to the Western Reserve is granted, as well as the site for the road itself, to the United States. It seems probable that the framers of that treaty had in view, at the time of the negotiation, the application of the whole of the ceded land, specifically, to the purpose of defraying the expense of making the road. From the best information which your committee have been able to obtain, they entertain the belief that this tract would furnish a fund more than adequate to the exigency, and that no more appropriate application could be made of the land in question.

They, therefore, respectfully recommend the adoption of the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to bring in a bill to authorize the Secretary of the Treasury to contract with any person or persons to construct a permanent and suitable road, to extend from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Western Reserve, according to the plan contemplated by the Treaty of Brownstown, and on such route, passing through the reserve (so called) at Lower Sandusky, as the President may direct, in consideration of the whole of the tracts on each side of the contemplated road which were granted by the Treaty of Brownstown, or so much thereof as, in the opinion of the Secretary of the Treasury, may be adequate to the object; and in which bill shall also be inserted, among other things, a provision or provisions that the person or persons so contracted with do complete

the said road within a reasonable time, in said bill to be limited; that such person or persons do stipulate to keep said road in good repair for and during a number of years, to be in said bill defined; and also that the person or persons so contracted with do also give bond, with sufficient sureties, for the faithful performance of his or their contract; and also a provision defining a time and manner in which the title to said lands may be conveyed.

All which, together with the documents Nos. 1, 2, 3, and 4, which accompany this report, and which they pray may be taken as part of it, is respectfully submitted.

No. 1.

Whereas a grant of land was made by certain tribes of Indians, at a treaty held at Brownstown, in the Territory of Michigan, on the 25th of November, 1808, for locating a road from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Reserve; and a road to run southwardly from the Lower Sandusky to the boundary line established by the Treaty of Greenville: and whereas the sum of six thousand dollars was appropriated by an act of Congress passed December 12, 1811, for the purposes of defraying the expenses of exploring, surveying, and opening the same, which has not been expended agreeably to the provisions of the said act, but from some cause has been turned over to some other appropriation, or yet remains unexpended in the Treasury of the United States: therefore—

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their influence to have the sum aforesaid laid out on one or both of the before-mentioned roads, as they think will be most advantageous to the interests of the State, and consistent with the original appropriation.

Resolved, That the Governor of this State be requested to forward one copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and one copy to the Delegate from the Territory of Michigan.

JOSEPH RICHARDSON,

Speaker of the House of Reps.

ALLEN TRIMBLE,

Speaker of the Senate.

FEBRUARY 22, 1820.

SECRETARY OF STATE'S OFFICE,
Columbus, O., Feb. 25, 1820.

I certify the foregoing to be a correct copy of the original roll, remaining on file in this office.

JOHN McLENE, *Sec'y of State.*

No. 2.

WASHINGTON CITY, March 31, 1820.

SIR: In reply to your inquiries relating to the application of certain moneys appropriated to lay out and make certain roads contemplated by the Treaty of Brownstown, I have to make the following statement:

On the 27th of August, 1812, Mr. Secretary Gal-

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latin wrote me (then Governor of Ohio) on the subject of that road. A copy of his letter is herewith enclosed, to which I replied, stating to him the only course I could pursue in making the road preparatory to the march of the northwestern army under General Harrison. As it was a state of war, and the road to Sandusky altogether through the Indian country, no contract could be made for opening the road. I ordered out a company of frontier militia, who opened the road, thus coupling the defence of the frontiers with the making of the road. This was done in the autumn of 1812. In January, I received from the Treasury of the United States \$5,500, of which I expended on the road \$4,922 14, before the march of the army alluded to. Having many occasions for disbursing moneys on account of war operations, the residue of the \$5,500 was applied to various services, and for which I am accountable to the United States. I am, very respectfully, your most obedient servant,

R. J. MEIGS, Jr.

JOSEPH NOURSE, Esq.,
Register of the Treasury.

No. 3.

Extract of a letter from Governor Lewis Cass and General Duncan McArthur to the Secretary of War, dated

MIAMI RAPIDS, November 29, 1817.

It is well known that along the southern margin of this part of Lake Erie is a tract of wet land which always presents serious difficulties to the traveller, and frequently insurmountable obstacles.

From Fort Meigs, for many miles towards Urbana, and nearly the whole distance to Lower Sandusky, it becomes a morass known by the name of the Black Swamp. To reach the Territory of Michigan from any part of the settlements of the State of Ohio, by land, this swamp must be crossed.

No description can convey to a person who is unacquainted with it an adequate idea of the difficulties to be surmounted before a tolerable road can be formed through this country. Little is hazarded in saying that individual enterprise, or the operation of ordinary causes, will not accomplish it for a period which the rapid improvement of the United States, generally, would leave without a parallel. But the country from the extremities of this swamp, northward to Detroit, and southward and eastward to the settlements in Ohio, is level and wet, and a good road through it, to be made at all, must be made at the national expense.

The events of the late war with Great Britain upon this frontier must have satisfied every reflecting person that a good road, at the commencement of that war, passing from the interior of Ohio to Detroit, would have saved to the nation the expenditure of immense sums of money, and would have rendered the reduction of that place at any time easy, and its tenure secure. The supplies of provisions and the munitions of war necessary to the operations of the army upon this frontier were

transported at an enormous expense of time and treasure, and the principal obstacles opposed to those operations resulted from the nature of the country, and from its difficulty of access. This tract of country, in its present situation, renders the Territory of Michigan an insulated point upon the map of the nation. Its approach by water is uncertain, temporary, and, for many important purposes, inconvenient. By land it is difficult, tedious, and expensive. In any future war, its means of defence must be derived from the same States which were called upon to furnish them during the past. It is desirable, therefore, that the difficulties which were then experienced should be removed, and that the possession of a good road should enable the General Government at any time to throw into the country a force which would render it safe and secure; such a road would remove the barriers which nature has interposed, and would, in effect, approximate this country to the western portion of the Union, and, connected with the natural advantages it possesses, would insure it a speedy settlement, and an active and enterprising population.

But a road from the interior of Ohio to the lake only, would not answer this important purpose. Lake Erie may once more become the theatre of desperate exertion and skill; enterprise and courage may not again be rewarded with victory. But were our naval superiority upon this lake beyond the reach of accident, it should be still recollected that its navigation is more hazardous than that of the ocean, and for a considerable portion of the year closed or impeded by the ice.

It is precisely at this season, with the exception of a short time in the middle of the Winter, that the communication by land is most difficult; and the obstacles which are then interposed to traversing the country in any direction are serious and dangerous.

Should circumstances destroy our naval superiority upon the Upper Lakes, our communication with Detroit and its dependent settlements could be preserved by land only, and our possession of the country would in a great degree depend upon the facilities which the roads might offer to the march of troops, and to the transportation of their munitions of war, baggage and provisions. It is to be hoped that such an occurrence is remote; but the possibility of its happening, and its disastrous consequences, should we be found unprepared, furnish powerful motives to provide, as far as human wisdom can do, for the event.

By completing a road from Sandusky to Detroit, considerable progress would be made towards opening a great national communication from the capital to one of the extremities of the Union. The western turnpike from Cumberland to the Ohio, terminating at Wheeling, would leave only the portion of road between that place and Sandusky to be made. Future enterprise and industry, either individual or national, might complete the work, and it would equally promote the varied intercourse of peace and the important operations of war.

This view is prospective; but the time cannot be remote when the policy of connecting the dif-

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ferent parts of this vast Republic by great permanent roads will be felt and acknowledged—when such a policy shall banish local jealousies and discordant interests; shall furnish new and increased facilities for private industry; and shall add strength and wealth to the resources of the nation.

Fort and military positions along a remote and exposed frontier will furnish little protection, unless the communication to it is rendered easy and expeditious. A great leading road, such as the nature of this country requires, and the public good demands, would add more to its permanent security than any other defensive measure which could be adopted.

But there are considerations connected with the necessity of such a road in consequence of the nature of the country, of its importance to the nation for the preservation of a weak and important frontier, and of the improbability that such a road will ever be made unless some portion of the general resources are directed to this object. But, viewed exclusively as a subject affecting the revenue, there can be no doubt but its operation would be favorable.

From the settlements in Ohio to Detroit, nearly the whole country is the property of the United States. Every consideration, either of a fiscal or political nature, demands the immediate sale and settlement of this land, and every measure is important which will facilitate the acquisition of either object. Among these measures the most obvious in itself, and most certain in its result, is the opening of a leading road. In any country this would be important; in this country it is absolutely necessary. Sales will only be made with a view to settlements, and settlement will be aided and encouraged by making roads where the population of the country will long be unable to make them.

There is little difficulty in proposing a plan which would accomplish this object, and in all probability increase the actual receipts at the Treasury, after the expenditures which may be necessary in effecting it.

Previous to the sale of the public lands, were the site of a permanent well-made road located from the line of the tract recently purchased of the Indians to Detroit, and were the national faith pledged for its completion within a reasonable period, the competition excited among the purchasers to procure the land in the vicinity of this road would add greatly to its value. Any estimate upon this subject must be loose and conjectural; but when it is considered that this road would pass through lands the property of the United States for at least one hundred and fifty miles, a great part of which is fertile and susceptible of compact settlements, and much of which is equal to any land in Ohio, it cannot be doubted but it will enter the market with every prospect of obtaining a price far exceeding that fixed by law. It would not be necessary, in order to secure the desired object, that the work should be actually commenced; every purpose would be answered by determining the site of the road, and delaying its completion till sufficient funds for that purpose were received from the sale of the land.

We have travelled out of the proper object of our mission in bringing this subject to the attention of the Government, but we trust our excuse will be found in its vital importance to this section of our country, and in the consideration that, if the present opportunity passes away without producing any favorable result, we may consider as hopeless every effort to attain it.

Considered as the means of increasing the national strength, and of securing the possession of an important frontier, we are aware that it has no exclusive claim to the attention of the General Government; every section of the Union has an equal right to urge its claims. But there is probably none in which the expenditure of an equal amount would be productive of more important consequences; and certainly there is none which is weaker in itself, or more difficult, from its position, to be defended.

But when it is recollected that this whole road, from the line of the purchase, was made upon the frontier settlement of the Ohio to the Detroit river, and will pass through a country the property of the United States, except one Indian reservation, and a few tracts which have been sold or granted at Lower Sandusky, Fort Meigs, and the river Raisin, the effect of such a road upon the sale of the land is a fair object of inquiry; and, if it is believed that the receipts from the sales will be increased by it, or even if such a result is doubtful, the importance and necessity of the measure, connected with other considerations, may fairly justify its adoption.

No. 4.

Extract of a letter addressed to the President, in the Winter of 1818-'19, by the Secretary of Michigan.

The alleged intention of the Government to diminish the force at the military post at Detroit, would seem to imply that the importance of that position is not justly appreciated.

If it be a correct proposition that, in respect to all permanent military arrangements, foreign people are to be considered in the character of belligerents, then I consider that position, in point of importance, inferior to very few.

It juts far into the enemy's country, commanding the roads which, running parallel with the Thames, or the shore of Lake Erie, little diverging, pass through the rapidly increasing settlements of that part of the province of Upper Canada which extends from the head of Lake Ontario, and subjects the greater part of those settlements to the control of a large force at Detroit. The topography of that country, while it furnishes great facilities for the rapid advance of an American force through it, protects remarkably its retreat.

As a position opposed to an enemy's acting offensively, Detroit, in relation to the country opposite, is a *tête du pont*. All the principal roads of the British country, above the lower extremity of Lake Erie, lead to, and terminate at or near the settlement of Sandwich; the position at Detroit commands them.

A large force here, also, will always keep in check the Indian tribes which inhabit the penin-

Payment for Property destroyed by the British.

sula of Michigan, and, combined with other means, if it do not make them allies, will at least neutralize their hostility.

On this peninsula there must be full one thousand and Indian warriors. Mr. Crooks, Dr. Turner, and other gentlemen, estimate them to be more numerous.

The routes by which these Indians ordinarily, and almost necessarily, communicate with the British, are up the river St. Joseph of Lake Michigan, and down the Huron to the mouth of the Detroit; and, from the northern extremity of it, past the south extreme of Saginaw bay, to the heads of river Rouge, and over to the Huron, coming in at the same point, opposite Malden; a large military force here, consequently, cuts off this communication.

This position, combined with that of Fort Gratiot, commands the straits of St. Clair and Detroit, and not only secures the upper country against the influence of a British naval superiority on Lake Erie, but secures, also, the safety of that avenue through which supplies to the upper post must, of necessity, pass; for it is firmly believed that, without almost infinite hazard and expense, they cannot pass up the waters of the Mississippi. From Indiana to Chicago they cannot go, for, through the intervening wilderness and swamps, not even an Indian foot path has been explored; nor, without imminent danger, can they be passed from Fort Wayne, for Detroit in possession of the enemy, the whole peninsula, being a wilderness, would be an enemy's country.

As a point from which to invade the upper province of Canada, Detroit is then of importance; but as a shield of defence for the uncovered frontier of Ohio and Indiana, as the only pledge of security for the upper posts, and as a security against Indian hostility, its importance must be manifest.

Yet, without a strong military force, this important barrier may, at any time, be taken by a *coup de main*. Its inhabitants, as yet not probably exceeding about eight thousand, are located in one extended and incurvated line from Lake Huron to Lake Erie, not presenting at any point a very compact settlement. They have in their rear the Indians of the peninsula; on the one flank a dreary extent of lake and wilderness; on the other, an impervious morass, cutting them off from the population of Ohio; while, in front, good and practicable roads lead to them, up which the concentrating force of the enemy may at any time be brought to bear upon them. How inadequate, therefore, is the country to the object of its own protection! If the Government had not heretofore closed the doors of the country against a greater influx of inhabitants, its situation would be less precarious. Since 1807 the Indian title over a very considerable portion of the country has been extinguished, but, until about the close of 1818, none of it has been brought into market.

To the advantages indicated by this view of the subject, of locating a considerable military force near Detroit, is to be superadded the important one of protecting emigrants now coming in, and for the first time penetrating into the back country, from

the individual acts of hostility of wandering Indians. Such occasional acts of hostility are to be expected; they will be excited by interruptions upon their hunting grounds. And still further is to be added the advantage of giving effect to the project of making a road through the Black Swamp. This is a work which, without the national aid, will hardly be effected in very many years. The country between Fort Meigs and Sandusky cannot be settled until the swamp be drained; consequently, individual labor upon the road cannot be relied upon. The State of Ohio can hardly be expected to accomplish it; for, beyond that point, she has no citizens to protect; it forms her boundary in that direction. It must, therefore, be a national work—a work which, had it been effected before the late war, would have saved not only the degradation of a capitulated army, but also many millions of money.

It is very certain that a perfectly good military road may be made over this morass; it is equally certain that the greater part of it may be made capable of producing abundant crops. The very act of making a durable road over it will fit a considerable part of it for cultivation. The deep ditches which should be on each side of the road, leading into the many streams which would intersect that road, would drain a very considerable part of the land bordering it. This swamp is in general sufficiently elevated, consisting of a basin of hard clay, upon which is bedded a thick stratum of the most fertile black loam. The currents of the frequent streams which pass through it are rapid, and the height of their banks indicates that the general surface is not much depressed.

If the object of securing, by means of such a road, to the post of Detroit its military supplies, could be combined with that of inducing the settlement of the intermediate country, the advantage is surely worthy of notice, as it regards either the military or the fiscal concerns of the nation.

PAYMENT FOR PROPERTY DESTROYED BY THE BRITISH.

[Communicated to the House, January 12, 1820.]

DEPARTMENT OF WAR, Jan. 11, 1820.

SIR: In conformity with a resolution of the House of Representatives of the 23d ultimo, directing the Secretary of War to lay before that House the rules and regulations established by the Commissioner, and adopted by the War Department, in relation to the execution of the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, particularly in relation to horses lost, I have the honor to transmit, herewith, the rules and regulations required.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. H. CLAY, *Speaker House of Reps.*

*Payment for Property destroyed by the British.**Regulations for the government of the Commissioner of Claims, dated July, 1816.*

The act of the 9th April, 1816, authorizing the appointment of a commissioner for the liquidation and payment of claims for property lost, captured, or destroyed in the service of the United States, and for other purposes, having subjected the commissioner appointed under that act to such rules as the President shall prescribe for the government of his conduct, the President, upon due consideration, has been pleased to direct that all cases comprehended in the fifth class of claims under the said act shall be referred to the additional accountant of the War Department before any decision shall be made thereon, in order to ascertain whether the same shall not have been previously satisfied.

WM. H. CRAWFORD.

Approved: JAMES MONROE.

Supplementary regulations.

The evidence of officers of the late army, and the certificates of those now in service, taken under the original regulations prescribed by the Commissioner of Claims, must state whether any certificate or voucher in relation to such claim has been heretofore given, within the knowledge of the witness, or of the officer whose certificate is required. The claimant must also state, on oath, whether he has received any voucher, and account for its non-production where any has been obtained. In all cases, the name of the officer by whom the voucher was given, and its date, as nearly as can be ascertained, must be disclosed.

WM. H. CRAWFORD.

Approved: JAMES MONROE.

DEPARTMENT OF WAR, Sept. 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damages sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite under the authority of an officer or agent of the United States. I have the honor, &c.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner.*

DEPARTMENT OF WAR, Sept. 19, 1816.

SIR: In looking over some of the cases referred by you to the accountant, it has occurred to me that the public interest requires that some additional regulations should be made to guard the Government against imposition.

In some cases, the evidence discloses the name of the officer by whose authority the impressment of the property for which compensation is claim-

ed has been made; in others, there is no such disclosure. In the first case, where the original certificate of the officer, or his evidence, is not produced, it is but a reasonable precaution, to guard the public against imposition, that his testimony should be obtained. In the second, the evidence appears to me to be too loose to justify an award in favor of the claimant. The name of the officer by whose authority the property has been taken, with convenient certainty as to the time and place, should be disclosed, to enable the Government to obtain the benefit of his testimony. In some of the cases which I have looked into, the loss appears to have been sustained by the unauthorized depredations of the soldiers, and does not come within the provisions of the law.

The case of charges for attending to sick soldiers appears to me to be liable to the same objection. The witnesses in some cases swear generally to the fact of impressment, where it is difficult, if not impossible, to conceive how impressment could have existed.

Under all these circumstances, I have conceived it to be my duty to submit to the consideration of the President the propriety of directing that, in all cases of property impressed coming within the provisions of the law, the name and rank of the officer by whose authority it has been made shall be disclosed in the evidence, and that the testimony of such officer shall be obtained by the Commissioner, where it is practicable, before any decision shall be made in favor of such claimant; that the case of charges for attending sick soldiers, and the loss or destruction of property by the unauthorized acts of the soldiery, are not within the provisions of the law. In making this communication, I feel it my duty to observe that, in the execution of an act giving such extensive jurisdiction, under rules formed without experience, it would have been extraordinary if every difficulty had been foreseen and provided for in the regulations thus digested. In this, as in every theoretical essay, defects will necessarily be discovered in practice, which experience alone will be able to remove. I have the honor to be, &c.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner.*

WAR DEPARTMENT, Oct. 21, 1816.

SIR: Pursuant to the eleventh section of the "act making provision for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," the President has been pleased to direct—

That the first and second sections of the said act do not embrace the case of officers of the regular army; and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract," used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

Payment for Property destroyed by the British.

That the ninth section of the act extends only to cases of destruction of property by the enemy which are justifiable by the laws of civilized warfare. That the occupation of houses or buildings as places of military deposite, or by an armed force, must be continued up to the time of destruction. That the occupation of houses or buildings by an armed force for a night, upon a march, is not within the meaning of the said section, unless in the immediate presence of an enemy. That no compensation, by way of interest, rent, or damages, can be allowed under the act for the time which elapses between the destruction of the property and the decision of the Commissioner. That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section. No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite, or by a military force. That, in all cases of doubt, or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner*.

WAR DEPARTMENT, Oct. 30, 1816.

SIR: Your communications, dated the 25th and 28th of this month, have been submitted to the President, who has instructed me to say that the third section of the act to authorize the payment for property lost, captured, or destroyed, &c., will not justify the payment of claims for partial injuries to oxen or horses. I am also instructed by the President to request that you will suspend all decisions under the ninth section of the above-mentioned act until further advised.

I have the honor, &c.,

GEORGE GRAHAM.

R. B. LEE, Esq., *Commissioner*.

WAR DEPARTMENT, Sept. 27, 1816.

SIR: Pursuant to the ninth section of the act of April, 1816, for compensating claims for property lost, captured, &c., during the late war, the President has been pleased further to direct that, in cases of property alleged to have been impressed or taken by public authority for the use or subsistence of the Army, the name and rank of the officer by whom or by whose order such impressment shall have been made shall be disclosed in the evidence of the claimant, and no decision shall be made in his favor until the evidence of such officer shall be obtained in the case, unless it shall appear that such evidence cannot be obtained by the Commissioner. The President has also directed that the said act does not extend to cases of property destroyed by the irregular conduct of the soldiery, nor to expenses incurred by individuals in attending to sick or disabled soldiers.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner*.

DEPARTMENT OF WAR, Dec. 16, 1816.

SIR: I am directed by the President to inform you that, under existing circumstances, it is thought proper that no final decision be made in any case now depending, or that may be exhibited, under the act, &c. You will, however, proceed to prepare and arrange all such cases for decision when it shall be deemed proper.

GEO. GRAHAM.

R. B. LEE, Esq., *Commissioner*.

DEPARTMENT OF WAR, Jan. 1, 1817.

SIR: I am instructed by the President to inform you that it is not deemed expedient to deduct from the amount which you may allow to any individual for the loss, capture, or destruction of his horse, such sum as may have been paid him for the use and risk of such horse. I have the honor, &c.

GEO. GRAHAM.

R. B. LEE, Esq., *Commissioner*.

OFFICE OF CLAIMS &c.,

Washington, March 26, 1817.

By the act passed on the 9th day of April last, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," all claims provided for by the said act must be presented at this office on or before the 9th day of April, in the year 1818; as, if not presented within that period, they cannot be received, examined, and decided on at this office.

First class of cases.

The claims provided for by the said act are, 1st. "Any volunteer or draughted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which was killed in battle, or which has died in consequence of a wound therein received, or in consequence of failure, on the part of the United States, to furnish such horse with sufficient forage while in the service of the United States, shall be allowed and paid the value of such horse." This provision comprehends three descriptions of cases:

1st. A horse killed in battle.

2d. A horse dying in consequence of a wound received in battle.

3d. A horse dying in consequence of not being furnished with sufficient forage by the United States.

To substantiate a claim of either description:

1. The order of the Government authorizing the employment of the corps to which the original claimant belonged, or the subsequent acceptance of such corps, or approbation of its employment, must be produced.

2d. The certificate of the officer or surviving officer commanding the claimant at the time of the accident on which the claim is founded, which certificate, if not given while the officer was in the service of the United States, must be sworn to;

Payment for Property destroyed by the British.

and, in every case, it must, if practicable, state the then value of the horse so killed or dying. Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified, and that the evidence which he shall produce in lieu thereof is the best which he is able to obtain. In every case, the evidence must be on oath, and the value of the horse so killed or dying ascertained. All evidence offered must be taken and authenticated in the manner hereinafter directed, and in all these cases, the claimant must declare, on oath, that he has not received another horse from any officer or agent of Government in lieu of the one lost.

Second class of cases.

"Any person, whether of cavalry, or mounted riflemen, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner thereof being dismounted, or separated and detached from the same by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into the public service." This class comprehends two descriptions of cases:

1st. When the owner has been dismounted, or separated and detached from such horse by order of the commanding officer.

2d. When the rider has been killed or wounded in battle, and the horse lost in consequence thereof.

The same evidence, in all respects, which is required in the first class of cases, will be required in this.

Third class of cases.

"Any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction, by an enemy, of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was employed in the military service of the United States, either by impressment or by contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence of the owner; and any person, during the time aforesaid, who has sustained damage by the death of such horse, mule, or ox, in consequence of failure on the part of the United States to furnish sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof." This class comprehends two cases:

1st. The loss or destruction of property by an enemy, taken by impressment or engaged by contract in the military service of the United States, being either a horse, a mule, an ox, wagon, cart, boat, sleigh, or harness, excepting articles for which the owners had agreed to run all risks, or which were lost or destroyed by fault or negligence of the owners.

2d. When a horse, mule, or ox, so taken or employed, has died from the failure of the United States to furnish sufficient forage.

In the first of these cases, the claimant must produce the certificate of the officer or agent of the

United States who impressed or contracted for the property above mentioned, and of the officer or surviving officer under whose immediate command it was taken or destroyed by an enemy. Such certificates, if such officers or agents at the time of giving them be not in the military service of the United States, must be sworn to, and must positively state that the property was not lost or destroyed through the fault or negligence of the owner, and that the owner did not agree to run all risks. Furthermore, the usual rate of hire of the articles so impressed or contracted for in the country in which they were employed must be stated.

In the second case, the certificate of the officer or agent of the United States, under whose command such horse, mule, or ox was employed at the time of his death, must be produced.

Before any other evidence will be received, the claimant must make oath that it is not in his power to produce that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain. In every case, the evidence must state distinctly the time, place, and manner of the loss, and the value thereof.

Fourth class of cases.

"Any person who, during the late war, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms or accoutrements, and has sustained loss by the capture or destruction of them, without any fault or negligence on his part, shall be allowed and paid the value thereof." This class comprehends two cases:

1st. The loss of such arms or accoutrements by the enemy.

2d. The loss of the same articles in any other way, without the fault or negligence of the owner.

This provision does not include the clothing of soldiers, or the clothing and arms of officers, who, in all services, furnish at their own risk their own. The same evidence in all respects is required in this as in the first class; and, moreover, that the loss did not happen from the fault or negligence of the owner.

Fifth class of cases.

"When any property has been impressed or taken by public authority for the use or subsistence of the army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid."

This provision relates to every species of property taken or impressed for the use and subsistence of the army not comprehended in any of the preceding classes, and which shall have been in any manner destroyed, lost, or consumed by the army, including in its scope all kinds of provisions, forage, fuel, articles for clothing, blankets, arms, and ammunition—in fact, every thing for the use and equipment of an army. In all these cases, the certificates of the officers or agents of the United

Payment for Property destroyed by the British.

States taking or impressing any of the aforesaid articles, authenticated by the officer commanding the corps for whose use they were taken or impressed, and, furthermore, of the officers and agents under whose command the same were destroyed, lost, or consumed, specifying the value of the articles so taken or impressed, and destroyed, lost, or consumed, and if any payment has been made for the use of the same, and the amount of such payment, [must be furnished ;] and, if no payment has been made, the certificate must state that none has been made.

Before any other evidence will be received, the claimant must name the person taking or impressing such property, and show that it is impracticable to procure that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain.

Under this provision, no claim can be admitted for any article which has not been taken by the orders of the commandant of the corps for whose use it may be stated to have been taken. For any taking not so authorized, the party's redress is against the person committing it.

Sixth (and last) class of cases.

"When any person, during the late war, has sustained damage by the destruction of his house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed or paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

In this case the certificate of the officer or agent of the United States, under whose authority any such house or building was occupied, must be furnished. Before any other evidence as to this fact will be received, the claimant must name the person under whose authority such house or building was occupied, and show that it is impracticable to procure such certificate, and that the evidence which he shall offer in lieu thereof is the best which he is able to obtain.

Furthermore, in all cases submitted to this office, every claim must be accompanied by a statement, on oath, by every claimant, of all sums which he may have received on account of such claim, from any officer, agent, or department of the Government of the United States; and where he has received nothing, that fact must also be stated on oath by him.

It will be particularly noted by claimants that the preceding rules of evidence generally and more especially apply to claims which shall not exceed in amount two hundred dollars; and that in all cases in which the claims in amount shall exceed two hundred dollars, a special commissioner will be employed to take testimony, but in these cases, as far as it shall be practicable, the same rules of evidence will be observed.

In all cases in which the officers or agents of the United States shall have taken or impressed property for the military service of the United States, which property so taken or impressed shall have been paid for by them out of their private

funds, or the value thereof recovered from them in due course of law, such officers or agents are entitled to the same remuneration to which the original owners of such property would be entitled if such payment or recovery had not been made, and can settle their claims at this office, producing authentic vouchers for such payment or recovery. Nor will any original claimants be paid through this office, till they release all claims against such officers or agents of the United States on account of such taking or impressment.

In every case no claim will be paid but to the person originally entitled to receive the same, or, in case of his death, to his legal representative, or, in either event, attorney duly appointed. When attorneys shall be employed, it is recommended to the parties interested to have their powers executed in due form.

All evidence offered must be sworn to (except the certificates of officers who, at the time of giving them, shall be in the military service of the United States) before some judge of the United States, or of the States or Territories of the United States, or mayor or chief magistrate of any city, town, or borough within the same, notary public, or a justice of the peace of any State or Territory of the United States, duly authorized to administer oaths, of which authority proof must be furnished, either by a certificate under the seal of any State or Territory, or the clerk or prothonotary of any court within the same. But the seal of any city, town, or borough, or the attestation of any judge of the United States, will require no further authentication.

By the law of the 3d of March, 1817, the various articles described in the third class of cases are to be paid for, not only on the contingency of their being "taken and destroyed" by the enemy, and, in the case of horses, mules, and oxen, on the contingency of their dying "in consequence of failure on the part of the United States to furnish sufficient forage," but whenever the loss shall happen from any other cause while the property was in the military service of the United States, "without any fault or negligence on the part of the owner," except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner.

By the first section of the last-mentioned law, it is also provided that the ninth section of the first-mentioned act, of the 9th of April, 1816, comprehending the sixth class of cases, "shall be construed to extend only to houses or other buildings occupied by the order of an officer or agent of the United States as a place of deposite for military or naval stores, or as barracks for the military forces of the United States." In all the cases arising under the ninth section, thus modified and explained, the facts established by the evidence in each case are to be reported "to Congress as soon as may be, that such provision may be made for the relief the respective claimants as shall be deemed just and proper."

It is earnestly recommended to claimants of every description to conform strictly to the directions contained in this paper. In all cases com-

Property destroyed by the British in Louisiana.

prehended in the fifth class of cases especially, the testimony of the officer impressing or taking the property cannot be dispensed with, unless it be proved to be impracticable to obtain it. In every case he must be named. It is also recommended to claimants to estimate their damages at the most reasonable valuation, as extravagant valuations create distrust, and in such instances, will compel the commissioner to resort to further investigation, and consequently will induce delay.

All persons who have business with this office are requested to address their letters to the subscriber as commissioner, which will be transmitted free of postage.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

DEPARTMENT OF WAR, April 23, 1817.

SIR: Your communications of the 31st of March and of the 19th instant having been submitted to the President, I am instructed to inform you that the decision of the Attorney General in the case of Joseph Anderson, which excludes "houses and buildings" from the operation of the fifth section of the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and which limits the terms used in that section to personal or moveable property as distinct from real estate, is not considered as extending to growing crops of grain, grass, vegetables, or growing timber, which may have been taken by public authority for the use or subsistence of the army—the act of taking in such cases implying a severance from the ground, and a consequent change in the nature of the property. The mere occupation of private buildings by troops for temporary accommodation, on a march for example, is not thought by the President to be such an occupation as would bring them within the meaning of the terms used in the first section of the amendatory act passed the 3d of March last, as a continued possession for some time would do; but as the cases arising under that section are all to be submitted to Congress, and not to this Department, for final decision, the President sees no objection to your acting on the construction which you have given to the words "as barrack" used in that section, because, Congress being in possession of the facts, each particular case will determine how far the temporary occupation of a building may make it a barrack. I have the honor, &c.,

GEORGE GRAHAM.

R. B. LEE, Esq., *Commissioner*.

LOSSES SUSTAINED DURING THE INVASION OF LOUISIANA BY THE BRITISH IN 1814-1815.

[Communicated to the House, March 22, 1820.]

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the bill from the Senate entitled "An act for the relief of Francis B. Longville," reported:

That the bill is intended to provide payment for property said to have been destroyed in the neighborhood of New Orleans during the invasion by the enemy in 1814-1815, and while in the occupancy of the troops of the United States.

In support of the claim is the affidavit of Richard Relf, Benjamin Morgan, and Peter Foucher, who state that, "after the retreat of the enemy, they were appointed by the quartermaster general, under an order from General Jackson, to ascertain the nature and amount of the damages caused to several persons;" that "they repaired to the country seat of Francis B. Longville, where, after a careful and minute examination of the premises, they have found and estimated the damages done to his real estate as follows:

| | |
|---|------------|
| Damages done to the dwelling-house, occupied as quarters by General Carroll | \$300 00 |
| Damages to the store-house - - - | 25 00 |
| The following buildings entirely destroyed: | |
| A corn-house - - - - - | 300 00 |
| An out-house 27 by 25 feet - - - | 300 00 |
| A kitchen and small house adjoining - | 150 00 |
| A bake-house - - - - - | 350 00 |
| A stable - - - - - | 50 00 |
| 15 acres of standing fence - - - | 385 00 |
| 32 acres post-and-rail fence - - - | 390 00 |
| Total - - - | \$2,250 00 |

General Carroll, in a letter to General Jackson, of the 4th of March, 1815, says:

"The owner of the plantation and house occupied by me as quarters during our stay at the camp below New Orleans has called upon me to certify the damages he sustained. I have barely to remark, that a fine garden, his out-houses, or a part of them, and all his fences were completely destroyed; his dwelling-house was much injured by seven or eight 18-pound balls passing through it."

There is no doubt but the injury sustained by the claimant has been very considerable, and, if entitled to relief, it may reasonably be doubted whether it is practicable to obtain more correct data from which to ascertain the amount than those which he has furnished.

This being one of a large class of cases, and of great apparent hardship, and which, in the opinion of the committee, do not come within any rule settled by Congress which would authorize an allowance; and the other branch of the Legislature having come to a decision in which the committee have not felt it their duty to concur, they have deemed it proper to present to the House somewhat in detail the views which they have taken of the question, and to which they have been led by the nature of their inquiries, connected with the events of the late war.

During the prosecution of that war, losses have been sustained by the citizens, of all the variety of character, and from as various causes and incidents as the most fruitful imagination could suggest; and, as they could be traced directly or indirectly to the events of a war declared and prosecuted by the Government, an opinion seems to

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have been entertained that payment may rightfully be demanded from the Treasury to their full amount, whatever be their description, or from whatever cause produced.

That war having been the first which has occurred under the present Government, the effects of which have been felt to a very considerable extent, there is no settled rule of the country that can be referred to as a guide in adjusting the claims to which it has given rise; and, consequently, the rule which shall be applied to those claims will be regarded as the law of the country applicable to like cases in all future wars, and from which the Government cannot depart, to the prejudice of claimants, without furnishing just cause of complaint; for nothing can be more reasonable than that he who should have contributed to the relief of his neighbor should, in his turn, be relieved. And hence the necessity that, in deciding upon the claims incident to the late war, great care be taken that, while remuneration for individual losses shall be awarded to the full extent which a regard to the best interests of the country will justify, those interests shall not be essentially impaired by a desire to relieve from partial suffering.

It is believed that the interests of the people collectively would be best promoted should the Government limit its demands upon them to the sums necessary to meet the current expenses, provide for the common defence, and advance such other great national objects as are within its proper sphere of jurisdiction, and leave it to them to exercise their own discretion in selecting their situations and employments, without the hope of deriving any thing from the Treasury, except a just reward for services rendered, and a fair equivalent for their property directly applied to public purposes.

In the same proportion as the citizens are taught to look to the Treasury for support, they will relax in their exertions to acquire it by prudent care and industry; and, should it become the settled policy of the Government to remunerate for losses merely incident to a state of war, it would operate as an inducement to the citizens to seek for a ready market and a high price for their effects in losses of that description, rather than afford to them the best protection in their power; and, having secured such a market, a high price would follow of course—a circumstance which the Government having necessarily to decide upon, *ex parte* testimony can never guard against. Hence it is believed that it would not be expedient to remunerate for losses which shall have been incidental, and resulted from causes over which the Government has no control.

Were it practicable for Government, through the operations of the Treasury, to equalize the burdens of the people arising from a state of war, or other national calamity, much might be said in its favor; but such a result can never be effected. In the first place, human wisdom is totally incompetent to the adoption of any plan by which the true amount of such losses could be ascertained; and, secondly, the taxes on which the Government must rely to furnish itself with the means to satisfy the claims can never be made to fall equally upon

those who pay them; so that, after the most of which the Government is capable shall have been done, but little advance will be made towards an equality in the public burdens of this character.

Losses and sufferings resulting accidentally from a state of war will, at a given period, fall heavier upon one section of the country than another, and always unequally upon the citizens of any. But it may fairly be presumed that different large districts, taking a series of years together, will be subjected to nearly the same suffering; and it is believed it would be much better to leave it to the citizens to equalize their burdens among themselves, as their sense of propriety shall dictate, than for the Government to encourage them to look to the Treasury for relief, and thus subject the country to the unavoidable loss of time resulting from such a policy, with which there will always be associated a lamentable source of speculation and fraud.

If the views which the committee have taken of the subject be correct, it undeniably follows that the greater the extent to which the Government shall endeavor to equalize the burdens of the people resulting incidentally from a state of war, the more will the nation be impoverished; and hence it is believed that the permanent interest of the country will be best promoted by a policy which shall confine the allowances of Government within narrow, known, and well-defined limits.

The sudden invasion by the enemy at an unexpected point near New Orleans produced a retreat of the inhabitants, and the concentration of a large military force, mostly militia, equally sudden, and without any previous preparation; and hence resulted a general prostration of private property in the neighborhood, partly by the American troops, and partly by the enemy, and there can be no doubt but much of it was an unnecessary, useless waste, resulting not from the will of the Government or its agents, but from a state of things over which they had no control.

It is believed by the committee that a rule which would authorize an allowance in this case would produce to the country much more of evil than benefit; and, as the testimony does not satisfactorily show that the property for which the petitioner prays to be compensated was taken and used for the public service, they recommend that the bill be indefinitely postponed.

STATISTICAL ACCOUNTS OF COMMERCE AND NAVIGATION.

[Communicated to the Senate, December 20, 1819.]

Mr. SANFORD made the following report:

The Committee of Commerce and Manufactures have considered the official statements which have been hitherto made of the commerce of the United States with foreign countries, and the provisions which are requisite for obtaining complete and accurate statistical accounts of the foreign commerce of the United States, and they submit to the Senate the following report:

Statistical Accounts of Commerce and Navigation.

The exports and imports of the United States have been stated to amount, in value, to the following sums in the following years :

| Years. | Total value of exports. | Total value of imports. |
|---|-------------------------|-------------------------|
| From August 1, 1789, to September 30, 1790 | \$20,415,967 | |
| From October 1, 1790, to September 30, 1791 | 19,012,041 | |
| From October 1, 1791, to September 30, 1792 | 20,753,098 | |
| From October 1, 1792, to September 30, 1793 | 26,109,572 | |
| From October 1, 1793, to September 30, 1794 | 33,026,233 | |
| From October 1, 1794, to September 30, 1795 | 47,989,472 | \$69,756,258 |
| From October 1, 1795, to September 30, 1796 | 67,064,097 | 81,436,164 |
| From October 1, 1796, to September 30, 1797 | 56,850,206 | 75,379,406 |
| From October 1, 1797, to September 30, 1798 | 61,527,097 | 68,551,700 |
| From October 1, 1798, to September 30, 1799 | 78,665,522 | 79,069,148 |
| From October 1, 1799, to September 30, 1800 | 70,971,780 | 91,252,768 |
| From October 1, 1800, to September 30, 1801 | 94,115,925 | 111,363,511 |
| From October 1, 1801, to September 30, 1802 | 72,483,160 | |
| From October 1, 1802, to September 30, 1803 | 55,800,033 | |
| From October 1, 1803, to September 30, 1804 | 77,699,074 | |
| From October 1, 1804, to September 30, 1805 | 95,566,021 | |
| From October 1, 1805, to September 30, 1806 | 101,536,963 | |
| From October 1, 1806, to September 30, 1807 | 108,343,150 | |
| From October 1, 1807, to September 30, 1808 | 22,430,960 | |
| From October 1, 1808, to September 30, 1809 | 52,203,233 | |
| From October 1, 1809, to September 30, 1810 | 66,757,970 | |
| From October 1, 1810, to September 30, 1811 | 61,316,833 | |
| From October 1, 1811, to September 30, 1812 | 38,527,236 | |
| From October 1, 1812, to September 30, 1813 | 27,855,997 | |
| From October 1, 1813, to September 30, 1814 | 6,927,441 | |
| From October 1, 1814, to September 30, 1815 | 52,557,753 | |
| From October 1, 1815, to September 30, 1816 | 81,920,452 | |
| From October 1, 1816, to September 30, 1817 | 87,671,569 | |
| From October 1, 1817, to September 30, 1818 | 93,281,133 | |

The exports are here given according to the official statements of the Treasury. The imports here stated for certain years are given according to unofficial estimates of their value.

The exports and imports of the United States for each year since the commencement of the present Government, in 1789, have been stated by the Treasury. The official statements are annually communicated to Congress, and are laid before the public. These statements set forth various matters concerning the exports and imports as facts. They have been accordingly regarded as the authentic source from which accurate information concerning our exports and imports may be derived, and as an official exposition of the state of our commerce with foreign countries. Every part of the statements bears the same stamp of authority, all parts of them are equally official, and all are given as equally authentic.

Are these statements accurate in the points which they represent as facts; and do they exhibit all the facts which should appear in statistical accounts of the foreign commerce of the United States?

All the matters set forth in the statements of exports and imports are furnished to the Treasury by the collectors of the customs. The materials received from the collectors are, at the Treasury,

compiled into the statements which are annually laid before Congress and published. The statements of exports and those of imports are rendered distinctly from each other.

The master of every vessel bound to a foreign place is required to deliver to the collector of the port from which the vessel is about to depart a manifest of all the cargo on board of the vessel, to state the value of the cargo and the destination of the vessel, and to verify the manifest and statements by his own oath. The collector thus obtains an account of the cargo, the kinds, quantities, and values of the articles of which it consists, and the destination of the vessel. The kinds and quantities of the exports are stated by the collectors, in most cases, as they are received from the masters of vessels; and by the Treasury, in all cases, as they are received from the collectors. Those values are, in some cases, the sums furnished by the masters of vessels; but, in most cases, they are valuations made by the collectors themselves.

The quantities of the exports are furnished by the master of the vessel; and they are sometimes given with considerable inaccuracy, either because the quantities are not accurately known by the master, or from want of care. But as there is, in general, no motive to misrepresent these facts, such

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errors may be on the side either of excess or deficiency; and they may not much vary the total quantities stated. Where the articles are foreign products which are exported with drawback of duties, the exporter himself enters them for exportation. But this entry does not state the quantities of articles which pay ad valorem duties as imports. Where the articles pay specific duties as imports, their quantities are ascertained with entire accuracy by the entry of the exporter, and by reference to the importation. In all cases, except those of articles of foreign origin which are exported with drawback of duties, the quantities of the exports, as they are stated by the Treasury, are derived solely from the masters of vessels.

Where the exports are products of the United States, the species and quantities of the several articles are given in the statements; where the exports are products of other countries which paid specific duties upon importation, their kinds and quantities are stated.

Where the exports consist of merchandise of foreign production which paid ad valorem duties upon importation, no specification of the kinds, quantities, or values of particular articles is given in the returns of the collectors or in the statements of the Treasury. These articles are arranged under different heads, according to the rates of duty which they respectively paid as imports. All articles which pay the same rate of duty are placed in one class; and the total value of all the articles composing each class is given; but the kind, quantity, or value of any particular article is not stated.

Our exports of articles of foreign production have, generally, been great. In the three years preceding the 1st of October, 1799, and in the three years preceding the 1st of October, 1807, the exports of articles of foreign production considerably exceeded the exports of our domestic products. In other years, the exports of foreign merchandise have been more than one-third, and, in others, more than one-fourth of all our exports. At present, the exports of foreign merchandise are more than one-fourth of the whole exports. Of these exports of foreign merchandise, about one-third has generally consisted of articles which paid ad valorem duties as imports, have amounted, upon an average of the last twenty-three years, to more than nine millions of dollars for each year. From the present statements we know not what these exports paying ad valorem duties as imports really are. The exports of this particular class are important, not only from their amount, but also as including those foreign manufactures which enter into competition with our own manufactures in our own markets. It will be useful that we should know the kinds, quantities, and values of the principal articles of these exports with more distinctness than at present appears; and it will not be difficult to select from these exports those of the principal kinds, which are considerable in amount, and to state such parts of them separately, by their kinds, quantities, and values.

Where the exports consist of foreign goods which were free from duty as imports, the total

value of all these exports is stated in one sum, without a specification of the kind, quantity, or value of any particular article. The exports of some of these articles are considerable, and the kinds of the articles are not numerous. It will be easy to state either the whole of these exports, or those of them which are of considerable amount, by the kinds, quantities, and values of particular articles.

In determining the values of the exports, the collectors reject the valuation furnished by the master of the vessel whenever they think proper to do so, and make their own valuation, which they return to the Treasury. There is some diversity in the practice of different collectors in respect to the cases in which they substitute their own valuation for that of the master, and also in respect to the principles upon which the valuations of the collectors are made. The course pursued at some of the principal ports will be stated, and will show, in general, the methods by which the exports have been valued.

Where the exports are products of the United States, or products of foreign countries which pay specific duties upon importation, the valuation is generally made by the collector in the following manner: The valuation furnished by the master of the vessel is entirely disregarded. The current prices of each article at the port of exportation, during the whole quarter of the year in which the goods are exported, are collected from such information as the collector may possess or procure; and from all the different prices a mean value of the article is deduced, which is the same through the whole quarter. The average value of each article thus derived from the several market prices of the quarter, is the value assigned to the article by the collector during that quarter.

Where the exports are articles of foreign origin which pay ad valorem duties as imports, and are afterwards exported with drawback of duties, the value assigned to them as exports is the foreign cost of the articles, with an addition to that cost of twenty per centum if the goods came from beyond the Cape of Good Hope, and ten per centum if they came from any other place. This is the manner of valuing these exports at some of the principal ports. At some other ports, it appears that the valuation of these exports furnished by the master of the vessel is received, and returned to the Treasury without alteration.

Where the exports are articles of foreign origin which were free from duty upon importation, or were subject to ad valorem duties as imports, and are subsequently exported without drawback of duties, the valuation given by the master of the vessel is generally adopted by the collector, and returned to the Treasury.

Thus, the valuations of the exports which appear in the statements of the Treasury are made partly and principally by the collectors, and partly by the masters of vessels.

The principle established for the valuation of the exports by the ninety-third section of the act of March 2, 1799, is, that each article shall be stated according to its actual value at the port and

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time of exportation. As the cargo is generally purchased at the port of exportation, and its value there may always be known, it seems to have been supposed that the true cost or actual value of the cargo would be always known to the master of the vessel, and that he would state the cost or value accurately to the collector. Hence, the only provision of law for obtaining valuations of the exports is that which requires a statement of the value of the cargo from the master of the vessel. But it is found in practice that the statements of values by the master are generally loose and uncertain, and often very incorrect. As the master is seldom the owner of the cargo, he is in general ignorant of the price paid for it, or its real value. The owner of the cargo, or the agent who purchases it, is not required to furnish any account of it, or to make any statement of its value. The master alone is required to state the value. He therefore states the value by conjecture, or according to such information as he may receive from the shipper; and the shipper is at liberty to give any information, or no information, upon that point. The oath, which is the only security for a true statement of the value, is required from the master, and not from the owner or exporter of the articles valued.

The collectors, in most cases, reject the valuations of the master, and make their own valuations. This practice, though a deviation from law, has probably tended to furnish valuations more correct than those of the masters of vessels, in all the cases in which the collectors have founded their valuations upon real market prices. But in the case of exports of goods of foreign origin, where the collector states the value of the exports at the foreign cost of the articles, with additions of ten and twenty per centum, a strange anomaly takes place. The collector rejects the master's valuation, not in order to adopt the market value of the articles, but in order to substitute a prior foreign price of the articles, with uniform additions of ten and twenty per centum. This mode of valuation is entirely artificial. It must, in general, represent these exports as worth considerably less than their real value here, since they are, in general, worth much more in our markets than the foreign cost, with the additions of ten and twenty per centum. The master's valuation, erroneous as it often is, would give the value of these exports more accurately than such valuations of the collector.

There are sufficient reasons to believe that the general tendency of the present methods of valuation has been, in some degree, to overrate the exports, and to state them somewhat higher than their real values at the ports of exportation. The degree of this exaggeration cannot be determined. It is, however, believed to be not very considerable. With some abatement for this excess, the valuations of the exports may be considered as nearly correct.

The statements of exports appear to show the foreign countries to which the exports are sent, the several countries are specified, and the amount exported to each is stated. This part of the state-

ments is generally regarded as showing the respective amounts of our exports received by different foreign countries. But the statements do not show, with certainty, the amounts of our exports received by particular countries; they exhibit merely the reported destinations of the vessels in which the exports depart.

The destination of the vessel and cargo is treated at the custom-house as a matter of no moment, further than to obtain the name of some foreign place to be inserted in the manifest and clearance. The master of a vessel bound from this country states at the custom-house any foreign place which he pleases to name as the destination of the vessel, and his declaration is received without further inquiry. The destinations, thus reported, are returned to the Treasury, and are there given in the statements of exports as the countries to which the goods are exported. But the true destination is sometimes concealed, to prevent competition in the commerce really intended; and when there is an apprehension of capture, a false destination may be announced, in order that it may appear in the clearance, if that document should fall into the hands of captors. When a true destination is given, it is frequently the first foreign port at which the vessel is intended to touch for advice and refreshments, while the real destination of the cargo is for some other country; or the ultimate destination may be contingently, for one of several countries, according to the state of the markets, or other circumstances. The destination may be changed after the clearance is obtained, or at any time after the vessel leaves the port of departure. It is not uncommon to declare the destination, and take a clearance for the West Indies generally. A clearance is sometimes taken for Europe, Asia, or Africa. In all such cases, the particular country to which the cargo is really destined is left uncertain; but it is principally in our commerce with Europe that the reported destinations do not truly show the countries which first receive our exports. Clearances for great quantities of our exports are taken for England, or for England and a market, and for Cowes and a market. Some of these exports are landed in England; but a great portion of them is carried to the countries on the European continent, and first landed there. England is a great mart, and is, in some respects, the centre of the commerce of Europe. In England information of the state of markets upon the continent of Europe may always be obtained. Our own commerce and mercantile connexions with England are great. The balance of our trade with England is uniformly and largely against us; and this balance is discharged principally by our exports to the European continent. The great capitals of the British merchants, and their mercantile connexions with every country in Europe, enable them to make advances or payments for our exports to any part of Europe, when those exports are placed under their control. These, and other causes, make England the channel through which we receive payment for a great part of our exports to the continent of Europe. In this course of things, very considerable quantities of our exports

which are carried to the continent of Europe, and first landed there, depart nominally for England, and are now stated as exported to England. Considerable quantities of our exports are also cleared for Gibraltar, and are stated as exports to Gibraltar. Nearly all these articles go into the Mediterranean, and are first landed in the different countries adjacent to that sea. Hence, our exports to England and Gibraltar have been swelled far beyond their real amount in the statements of exports. The true amount of these exaggerations cannot be known, but they are undoubtedly very considerable. In some other branches of our foreign commerce, in which it is known that the voyage is in general really that which is announced, we may rely upon the reported destination as sufficiently showing the foreign country which receives the exports. Without such a knowledge of the actual course of trade, we cannot rely upon any part of the present statements as exhibiting accurately the amount of our exports to any foreign country. The destinations are now reported by the master alone, with so much looseness and inaccuracy that this part of the subject is left in much uncertainty.

It is proposed that the exporter shall join with the master of the vessel in furnishing the account of the exports, and in stating their value and their true destination. This provision will probably prove sufficient to obtain accurate statements of the kinds, quantities, and values of the exports, and of their true destinations.

The statements of imports consist of certain materials which are brought into the Treasury by the laws imposing duties on goods imported into the United States, and regulating the collection of those duties. They present the facts which are ascertained for the purpose of levying those duties, and nothing more.

All the imports are either free from duty, or subject to duty; and those articles which are subject to duty are charged either with duty on the quantity, or with duty on the value. Goods free from duty have never been comprised in the statements of imports in any manner whatever. Such merchandise is entered at the custom-house, and landed, under permission, like goods subject to duty, but no return or account of it is given to the Treasury. There is, accordingly, a total omission of all goods free from duty in all the official statements of imports.

The statements of the Treasury present only the imports subject to duty. These imports are presented under the two general heads of "goods subject to specific duty," and "goods subject to ad valorem duty."

The kinds and the quantities of the imports subject to specific duties are ascertained by the officers of the customs. The statements of the Treasury accordingly present all the articles subject to specific duties with accuracy in respect to their kinds and quantities.

But the official statements present no valuation whatever of any of the articles subject to specific duties. These articles are not valued at the custom houses, or at the Treasury.

The imports subject to ad valorem duties are presented in a very different form. All articles which pay the same duty are consolidated into one mass, and the total value of that mass is given in the official statements. There is no specification of any particular article by name or description—no statement of the quantity or value of any single article; and it does not appear what particular articles, belonging to the class of those paying the same rate of duty, have really been imported or not. As many columns are stated as there are rates of ad valorem duties, and under each column the aggregate value of all the imports paying the same rate of duty, and nothing else, is stated.

The imports subject to ad valorem duties are valued at the custom houses. The foreign cost of the articles in the countries from which they come is first ascertained; an addition is then made to that cost of twenty per centum, when the merchandise is imported from any place beyond the Cape of Good Hope, and ten per centum when it is imported from any other place. These total sums, so composed, are returned to the Treasury as the values of these imports, and the same values are assigned to them in the statements of the Treasury. It thus appears—

1. That the imports free from duty are included in the statements.

2. That no account whatever is given of the value of the imports subject to specific duties.

3. That goods subject to ad valorem duties are not distinguished in their kinds, so as to afford any useful information; that their quantities are not given at all; and that their values are blended into certain gross sums, without showing the value of any single article.

4. That the valuations given to the imports subject to ad valorem duties, are made upon an erroneous principle.

But these points demand a more particular consideration.

The omission of all the imports free from duty is an obvious defect. A chasm of unknown extent is here left in the statements of our imports. The importance of this omission may be at once conceived by adverting to the catalogue of articles free from duty, and to the large importations of many of them which are known to take place. Copper, brass, tin, furs, hides, plaster of Paris, and the dying woods, without specifying other articles free from duty, form a very large amount of our imports. The true amount of the imports free from duty cannot be estimated with much accuracy, but a probable opinion of their amount may be formed. The amount of the exports of these articles is known, for, singular as it may be, the exports of these articles are given, though we have no account of the same articles as imports. The exports of articles which had been previously imported, and were free from duty as imports, are stated by the Treasury to have amounted in value to the following sums in the following years:

| | |
|---------------------------------------|---------------|
| From the 1st of October, 1804, to the | |
| 30th of September, 1805 | - \$1,641,725 |
| From the 1st of October, 1805, to the | |
| 30th of September, 1806 | - 2,383,910 |

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| | | |
|---|-----|----------------------------|
| From the 1st of October, 1806, to the 30th of September, 1808 | - - | 2,080,114 |
| From the 1st of October, 1807, to the 30th of September, 1808 | - - | 370,341 |
| From the 1st of October, 1808, to the 30th of September, 1809 | - - | 543,242 |
| From the 1st of October, 1809, to the 30th of September, 1810 | - - | 1,322,023 |
| From the 1st of October, 1810, to the 30th of September, 1811 | - - | 1,495,984 |
| From the 1st of October, 1811, to the 30th of September, 1812 | - - | 586,180 |
| From the 1st of October, 1812, to the 30th of September, 1813 | - - | 57,604 |
| From the 1st of October, 1813, to the 30th of September, 1814 | - - | 953 |
| From the 1st of October, 1814, to the 30th of September, 1815 | - - | 758,869 |
| From the 1st of October, 1815, to the 30th of September, 1816 | - - | 1,448,548 |
| From the 1st of October, 1816, to the 30th of September, 1817 | - - | 800,812 |
| From the 1st of October, 1817, to the 30th of September, 1818 | - - | 1,790,035 |
| Total amount of the fourteen years | - | <u><u>\$15 280,340</u></u> |

These exports thus appear to have exceeded \$1,000,000 annually, upon an average of the last fourteen years. From the best means of judging which are possessed, it is estimated that the imports free from duty which have been consumed in the United States for the last fifteen years have amounted at least to \$4,000,000 annually. Our present consumption of these articles probably exceeds that sum. Assuming this estimate, and supposing that the annual exports of these articles amount to \$1,000,000, we must conclude that the total annual amount of our imports of articles free from duty is at least \$5,000,000. These articles, whatever may be their true amount, have never entered into the public statements of imports. Surely they are of sufficient importance to be known. They should have their place in the statistical accounts of our imports. They are not only as important as any other articles of equal amount; but, if any class of imports can be justly considered more important than another, it must be that which we invite to our country, by exempting it from burdens imposed upon the introduction of all other merchandise.

More than one-third of all the merchandise imported into the United States consists of articles subject to specific duties. The whole of this great mass of imports is presented without any statement of its value. The thirty-sixth section of the act of the 2d of March, 1799, regulating the collection of duties, requires valuations of imports subject to specific duties as well as of others; but, in practice, no valuation of these articles is made. As valuations of these articles are not necessary for any purpose of revenue, the object of the Legislature, in this provision, must have been to procure authentic valuations of these imports for the general purposes for which statistical accounts of imports are useful. The statements of these

imports, as they are now furnished, are in a great degree useless, for want of valuations.

More than one-half of all our imports are articles subject to duty on their value. These articles are stated in such a manner as, in effect, to give no information of the kind, quantity, or value, of any one article imported. Thus, we find in the statements, that the goods paying ad valorem duties at the rate of fifteen per centum, which were imported during the year ending on the 30th of September, 1817, amounted in value to \$14,082,903; and this is all we learn concerning those goods. If we inquire what those goods were, the statements afford no answer. We know, indeed, that the imports, which are subject to a duty of fifteen per centum on the value, are all articles which are not free, and not subject to any other rate of duty. We can, therefore, determine what those goods were not; that is to say, that they were not any of the articles which are either free from duty, or are charged with some rate of duty different from fifteen per centum. It is impossible to discover, from the statements, what those goods amounting to \$14,082,903 really were. If we desire to learn how much, either in quantity or value, of woollen cloth, or of any other article paying the same rate of duty with woollen cloth, has been imported, we search these statements in vain for that purpose. We know the rate of duty to which woollen cloth is subject, and we find the aggregate value of all the imports subject to that rate of duty amounted to a certain sum; but whether woollen cloth was or was not one of the articles imported and comprehended in this total value, does not appear. The aggregate value given in the statements may result from all, from one, or from any part of all the articles charged with the same rate of duty. The articles which belong to one class, as paying the same rate of duty, are very numerous, and the importations of the particular articles of each class are very different in amount at different times. The only conclusion concerning any particular article which can be derived from the statements is, that, if that article had been imported at all, its value is comprised in the aggregate value of all the articles which pay the same duty. It does not appear whether any particular article has been imported or not.

Among the imports subject to ad valorem duties are those which enter into competition with our own manufactures of the like articles; as, for example, the various fabrics of wool, cotton, and iron. Yet we are without any authentic information of the quantities or values of all these various manufactures which we receive from other countries. We know, in general, that the importations of these manufactures are great; and a deplorable proof that they are very great, is found in the ruin which they have brought upon many of our citizens who have engaged in similar manufactures. But this general knowledge, even when combined with all the particulars which they who are best informed upon this subject can communicate, affords no accurate account of facts. Do you ask how much, either in quantity or value, of manufactures of iron, of wool, or of cotton, is now im-

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ported into the United States, or has been imported within any of the last thirty years? Your question is, indeed, interesting; but it cannot be answered by any official or authentic statement of our imports. It is peculiarly desirable that we should possess accurate information of the amount of imported manufactures in those cases in which our own consumption is supplied partly by the industry of our own citizens, and partly from foreign countries. The imports of this character involve a great question of national policy. As they are augmented or diminished, our own manufactures are depressed or relieved. It is now evident that some of the most important of our own manufactures require the aid of the Government to support them against the pressure of foreign competition.

Correct information of the kinds and amounts of these imports may be easily obtained. When goods subject to *ad valorem* duties are imported, the kind of each article is ascertained, in order to ascertain the rate of duty to which it is subject; and its value is ascertained, in order to ascertain the amount of the duty. The quantity of the article also appears from the invoice of the importer. The custom-house thus obtains an account of the kind, quality, and value of every import subject to *ad valorem* duty. But these facts are not given in the accounts returned to the Treasury. In those accounts, the kinds, quantities, and values of particular articles are not stated. All articles which pay the same rate of duty are placed in one class, and the aggregate value of the whole class is given. In the present practice of the custom-houses, no account of the quantities or value of particular articles is preserved. The invoice of the importer is returned to him after the amount of the duty is ascertained. But an account of the denomination of the article, its quantity, and its value, may be kept, and returned to the Treasury.

It is not proposed that a distinct account should be kept at the custom-houses, or given in the statements of imports, of the kind, quantity, and value of every article subject to *ad valorem* duty. This would be an extreme of minuteness, without utility. The articles subject to *ad valorem* duties comprehend the finer manufactures; and those manufactures are now so numerous, and so various in their denominations, that an account of the imports of each one of them by its peculiar denomination would be far too prolix. It is proposed to select from these imports such of them as are great in amount, and such of them as come into competition here with like articles manufactured in any considerable degree in the United States; and to state such imports separately from all others, and from each other, by their kinds, qualities, and values. Thus, manufactures of cotton, woollen manufactures, and manufactures of iron, are three great classes of imports which should be stated distinctly. Manufactures of flax, and those of silk, may also be stated separately. Some of these general heads may be susceptible of subdivisions, which would be useful; other particular imports, of sufficient importance to be distinctly known, should be separately stated. But it does not seem ex-

pedient to define the cases in which special statements of particular articles should be given, otherwise than by the general principles which have been mentioned. The application of those principles, and the selection of particular cases for statements, will most properly be left to the officers who compile the statements. Under a general direction, they will be able to determine the cases in which special statements will be useful, and to reach the judicious medium between too much uncertainty on the one side, and unnecessary minuteness on the other. When all the cases which are worthy of distinct statements shall have been selected, the residue of these imports may be stated in such aggregates or classes as may be convenient.

The imports subject to *ad valorem* duties are stated as being of the value of their foreign cost, with additions of ten or twenty per centum to that cost. These additions to the foreign cost are altogether artificial. They are prescribed by the acts concerning the duties; perhaps, in order to adapt the duties to the foreign cost of the articles, so as to levy the same revenue upon like articles, whether imported from Europe or from India. The same effect to the revenue would, however, be produced if the duty were ten per centum higher, and the European article were valued at its foreign cost merely, and the like article from India were valued at its foreign cost, with an addition of ten per centum. The same effect to the revenue would also result if the European article and the article from India were each, respectively, valued at their foreign cost merely, if the duty on the European article were at the same time ten per centum higher, and the duty on the article from India twenty per centum higher than they now are. The real and sole effect of raising the valuation is to augment the duty. It cannot be said that the foreign cost, when augmented by one-tenth or one-fifth of that cost, is the true value of the imports in this country. The true value of a thing can never be assessed and declared by law. It is always a fact depending upon the utility of the thing for the time being; or, in other words, upon the supply of the articles, and the wants of mankind. Whether, therefore, the legislator declares a permanent value of imports, as in England, or a variable value, with fixed and uniform additions, as here, he never determines the true value of any article. Such relations of value may, perhaps, be convenient as fiscal rules, because they may tend to render the duties equal, in effect, upon different importers; or they may serve to produce the amount of revenue intended to be levied; but they do not represent facts as they are. Nor can it be supposed that the imports from the countries beyond the Cape of Good Hope, when increased by one-fifth, and other imports, when increased by one-tenth of their foreign value, afford an average of their value here; or that these gross sums are a just equation of the values of these imports in this country. The fact is not so. The imports from beyond the Cape of Good Hope must be considered as, in general, worth here at least seventy per centum more than their foreign cost, and the

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imports from Europe may be estimated to be, in general, at least thirty-five per centum more valuable here than in the countries from which they come. The duties alone upon a great part of these imports are more than ten and twenty per centum of their foreign cost. If the duties on these imports were added to the foreign cost, the sum obtained in that manner would approach far more nearly to the value of the imports here than the amount obtained by the fixed additions of ten and twenty per centum to the foreign cost. But, without regard to the duties, if there were any propriety in the idea of attempting to ascertain the true value of the imports here by fixed additions to the foreign cost, which might be equal to the additional value which the articles generally bear here, those additions should be far higher than ten and twenty per centum. It is evident that the official statements do not furnish the true value of these imports. If we seek to learn the value of the goods in the foreign countries from which they are brought, the statements do not give that fact. If we desire to know the value of the goods in this country, the statements do not afford that fact. The value assigned to the goods by the statements is an artificial result, never according with facts, unless by accident; but representing the goods as worth much more than their cost abroad, and much less than they are generally worth here.

But the additions of ten and twenty per centum may be deducted from the foreign cost of these imports. Undoubtedly this may be done. If it is proper that this should be done, then it is proper that these imports should be stated by the public officers at their foreign cost, without additions. Any person may, indeed, make the deduction from the amount stated, but not merely by a simple subtraction. It does not appear from the statements to what sums ten per centum is added, nor to what sums twenty per centum is added, otherwise than by reference to the particular countries from which imports are brought. These several countries are specified, with the amount imported from each of them. The imports which come from beyond the Cape of Good Hope may be selected from those which come from other places; the whole may be thus separated into two classes, and the total amount of each class may be obtained. When this has been done, it will be known that the first class is that which has received an addition of twenty per centum to its foreign cost, and that the second class is that which has received an addition of ten per centum to its foreign cost; and those additions may then be subtracted. But this resort to calculation must be unavailing to all who are not informed of the error in question, or know not the process by which it may be corrected. The liberty to correct errors is not sufficient. Every fact which is worthy of a place in statistical accounts should be so stated as to require no calculation to render it more true.

What, then, is the true principle upon which imports and exports should be valued? The question is thus stated because it is equally applicable to imports and exports, and to every part of both.

1. Commodities have different values in differ-

ent countries; and the object of foreign commerce is to obtain the higher value which an article bears in the country to which it is sent. Both the lower and the higher values are equally real, and both are facts which may be stated when they are known. The first or lower value, always belongs to the country from which the article is exported. The additional value may accrue to any country whatever. When an article is sent from one country to another, the price paid for it as an export is universally paid by the country which buys to the country which sells. The same article now arrives in the country to which it is sent. There, its value is much greater than the sum paid for it as an export. The additional value is there received; and it becomes distinguished in its application into two parts—the expense of transportation, and the profit of the merchant. Other facts, which may increase or affect the enhanced value, are here laid out of view. Freight and mercantile profit must necessarily be defrayed by this additional value. The expense of transporting the article, and some profit to the merchant, must both be obtained in the augmented value of the article; for otherwise nothing would be gained, and the commerce would not take place. The expense of transportation is paid to the country which carries the article; and the profit of the merchant is paid to the country to which he belongs. The expense of transportation is always paid to the country whose ships and seamen are employed in that service; and the navigation employed may belong to the country which sells the article to the country which buys it, or to any other country. The merchant who causes the article to be conveyed from one country to another may be a citizen or subject of either of those countries, or of any other country. When he sells the article in the country to which it is sent, whatever he receives beyond the sum paid for it and the freight is paid to the country to which he belongs; and he may belong to any country. When the navigator and the merchant both belong to the country which buys the article, that country pays for it nothing more than its first or lower price. In this case, the country buying the article pays, indeed, both the freight and the mercantile profit; but these sums are paid to that country itself; they are paid by the right hand to the left; they are paid by one class to another class of the people of the country buying; by the consumer to the navigator and the merchant; and they are all of the same country. The country buying pays, as a society, only the lowersum for which the article was purchased from the country selling. If the navigator and the merchant both belong to the country which sells the article, the country buying pays to the country selling the higher value of the article, including freight and mercantile profit. When the merchant and the navigator both belong to some third country, the country buying pays the additional value to that third country; and when the merchant and the navigator are of different countries, the mercantile profit is paid to one country, and the freight to another. It is therefore always certain that the country buying pays to the country

selling the sum paid for the article as an export, or the lower value which it bears at the place and time of exportation. It is not certain, from any valuation of the article, that the country buying pays to the country selling more than that lower value. The additional value is variously paid, according to the national characters of merchants and navigators; and these facts cannot be shown by any valuation of the article. The principle of valuation must be a uniform rule. If such a rule cannot exhibit the sums actually received and paid by the nation for exports and imports, it should exhibit those sums as nearly as may be practicable. The first or lower value of exports and imports are sums certainly received and paid; and those sums may be exhibited by valuations. If the higher values are stated, they will comprehend not only the lower values, which are uniformly paid by the nation buying, and received by the nation selling, but also the additional values, which are variously participated, as well between the nation selling and the nation buying as among other nations. The lower values and the additional values will then appear undistinguished in the gross amount of the higher values; and the valuations will not determine how much has been received and paid, either on account of the lower values or on account of the additional values. It is therefore proper that the valuations should express those sums which are uniformly and certainly received and paid by the nation for exports and imports; and that the additional values, which are variously and unequally received and paid among different nations, should not be included in the valuations.

2. The exports and the imports should both be valued by the same rule. If the exports are valued by one rule, and the imports by another, their values cannot be compared with each other. An exaggeration of one, or a depression of the other, must occur in the relation between them; and the uncertainty arising from this cause must defeat the utility of statistical accounts of values. The value of an imported article in the country from which it comes, and the value of the same article here, are both facts which may be ascertained; and either of these facts may be taken as the value to be given to the article in statistical accounts. But, though we can ascertain the values which our imports bear, either here or in the countries from which they come, we cannot ascertain the values of our exports in the foreign countries to which they are sent. The foreign cost of the imports is a fact which precedes the importation; and, having the imports under the control of our own laws and officers, we may ascertain that preceding fact. But the additional value of the exports in foreign countries beyond their value here is not within our reach; it is a fact which occurs after the exports are no longer subject to our control. We cannot institute legal proceedings in a foreign country to ascertain the value of our exports there; nor would it be proper to impose on the exporter the burden of returning proofs of the sales or value of his exports in a foreign country. Being unable to ascertain, by any suitable means, the foreign

value of our exports, we are, in effect, obliged to adopt and state their domestic value; and, as we take the value which the exports bear here in the country from which they are sent, we should also state the imports according to the value which they bear as exports in the countries from which they come. If the rule for the valuation of the imports should be their value here, and the rule for the valuation of the exports should be their value here, the results of rules so different would be very extravagant in their relation to each other. The higher value of the imports would stand opposed to the lower value of the exports. The imports would appear with the additions of freights and mercantile profits, while the exports would appear without such additions. The imports would be greatly swelled, or the exports greatly reduced, in their relation to each other; and no just comparison between the values of the exports and the imports could be made. Such would be the consequence of adopting the value of the imports here as the rule for their valuation, unless the exports were also stated according to their value as imports in the foreign countries to which they are sent. But, as we cannot determine the foreign value of the exports, we must state them at their value here; and this reason alone renders it necessary to state the imports at the lower value which they bear in the countries from which they come.

It is accordingly conceived that all the imports and all the exports should be valued at the prices paid for them, or their real values, at the times and places of exportation in the countries from which they are, respectively, sent. This principle is recommended, by its intrinsic propriety, as that which affords greater certainty than any other, by the necessity which allows no other rule applicable with like effect to both exports and imports, and by the consideration that this rule is already established for the valuation of the exports.

Returning to the statements of imports, it is seen that the only part of the imports which now receives an official valuation is valued upon a principle which is both erroneous in itself, and different from that by which the exports are valued.

What has been the amount of the imports of the United States in the several years since the commencement of the present Government in 1789? This inquiry cannot be answered. It is not answered by the official statements of imports. It cannot be answered by any official document. In the absence of authentic information, every person is left to compute the amount for himself, from such materials as he may possess, and according to such principles of valuation as he may adopt. Estimates of the amount may undoubtedly be made; and, when formed with care and judgment, they may be probable approximations to truth. Estimates of the value of imports of some of the last thirty years have been made and laid before Congress by officers of the Government. These estimates are official, as proceedings from public officers; and they are entitled to high respect. They were made by men of eminent talents and great knowledge, who were able to form and give just views concerning the subject of their

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estimates. Still, they are mere estimates; and, to a great extent, estimates instead of ascertained facts. Other estimates of the imports of certain years have been made by other individuals. In the commencement of this report the imports of seven several years are stated, according to estimates of their value. These valuations are introduced here, because they have been considered as some of the most correct estimates of our imports which have been offered to the public. They were formed with great labor and care; and they are, undoubtedly, accurate results from the materials used, and the principles of calculation employed in the process. How far they afford a just statement of the value of the imports of these years will be seen when the materials and principles of calculation upon which they are founded are understood. The estimates for these seven years do not include the imports free from duty; and thus a part, equal to about a twentieth of all the imports, is omitted. The imports subject to ad valorem duties were here valued as they are valued in the official statements, with additions of ten and twenty per centum to their foreign cost. In respect to the imports subject to specific duties, as their value is not officially ascertained, it was necessary that the author of these estimates should himself assess the values of these articles. A vast mass of merchandise of various kinds, brought from all quarters of the world, in seven different years, was to receive valuations. The only practicable course was taken. The author of these estimates collected the current prices of the various articles, as those prices existed in some of the principal ports of the United States, in the different years of these importations. Taking those prices as the values, he computed the total value of the imports of each article in each year. In this manner, the values of the imports paying specific duties were assessed. The estimated values of the various articles, at different times and places, are not stated; and as the estimated amount only is given, no means of deciding how far that amount may be correct are afforded. If any different estimate of the value of these imports should be presented in the same way, it would be uncertain which estimate is more correct than the other. Hence, the credit due to all estimates which have been made of the value of this class of imports must depend upon the confidence reposed in the author of the estimates, who can only present such information as he may possess, and such probabilities as his own judgment may lead him to adopt. These estimates comprehend only imports subject to duty. They give the imports subject to ad valorem duties at their foreign cost, with additions of ten and twenty per centum. They give the value of the imports subject to specific duties, as that value was estimated to have been in the United States after importation. That value, of course, included freight, mercantile profits, and our own duties upon these articles. When the imports thus valued are placed in opposition to the exports of the same seven years, the contrast is remarkable. The imports appear to exceed the exports by great sums in each of the seven years. Upon the whole period of seven

years, the imports appear to exceed the exports by \$99,493,295; and the average of this sum for each year is \$14,213,327; and yet, from the general state of our foreign trade during these seven years, from the 1st of October, 1794, to the 30th of September, 1801, and from every source of information to which we can look, excepting only the public statements, in which the facts should be found, there can hardly be any doubt that the exports exceeded the imports in every one of those years. The solution of these differences is found in the different methods of valuing the exports and the imports. The exports are valued at their cost here, as exports; and, consequently, they do not include the sums which we have received for them beyond that cost. The imports are not valued upon the like principle; they are valued at their foreign cost, together with all the accumulations which are produced by the addition of one-fifth and one-tenth to the foreign cost of a part of the imports, and by the addition of freight, mercantile profits, and our own duties to another part of the imports. According to this method of valuing the imports, they will always appear to be greater than the exports, whether they are, in truth, greater or less. Yet these are some of the best valuations of our imports which are now extant; and this is the method in which these valuations were made.

In regard to most of the last thirty years, it does not appear that any estimate of the amount of the imports has been made.

The value of the imports is therefore unknown.

We are without any official account of their amount, and are destitute of satisfactory information upon that point; it is, consequently, impossible to make any just comparison between our exports and our imports. The correctness of every such comparison depends upon values; and no just comparison between exports and imports can be made, unless the values of both are ascertained as facts, and upon the same principle in both cases. Hence, all those statements now before the public, which represent that our imports have exceeded our exports by a certain sum, or that our exports have exceeded our imports by any particular amount, in any of the last thirty years, are exceedingly uncertain and delusive. In respect to most of those thirty years, it must always remain uncertain whether the exports or the imports were greater; and, in respect to the whole period, the amount of any excess which may have existed on either side, in any year, must remain unknown. For the same reasons, the balances of our trade with particular countries are unknown.

The imports of the last year are not yet stated. They probably amounted to one hundred millions of dollars. Of that sum, five millions may have been articles free from duty, forty-five millions articles subject to specific duties, and fifty millions articles subject to ad valorem duties. These proportions of the three classes of imports may not be exact; but they must be nearly correct, and they are offered merely to illustrate. When the imports of the last year shall be stated in the present forms, the result from the facts supposed will be, that the amount of five millions will not appear

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in any manner whatever; an amount of forty-five millions will be stated by kinds and quantities, without any valuation; and an amount of fifty millions will be stated by valuations made upon an erroneous principle, without a designation of the kind, quantity, or value of any particular article.

The navigation employed in the foreign trade of the United States is a subject of great national concern. So far as that navigation is ours, it is to us a source of riches and power. So far as it belongs to other nations, its benefits are theirs. Navigation is, indeed, both wealth and power. It is important as wealth; but as power, it is indispensable to nations which desire to assert their rights, or display their strength on the ocean. The employment of shipping and seamen is a branch of national industry so peculiar in its character, and so important in its consequences, that it is worthy to be known with all possible distinctness, even if the exports and imports were not stated. Navigation must, therefore, be traced distinctly from exports and imports. The employment of shipping in foreign trade may be ascertained and shown by a very convenient method. The national character of the vessels employed, their tonnage, their departures for foreign countries, and their arrivals from foreign countries, may be all easily ascertained. These particular facts, when combined, show sufficiently the actual state of the navigation employed in foreign trade, and its division among different nations. They do not express the value of navigation in sums of money; but they show the several proportions of all the navigation employed, which are held by each nation whose vessels participate in the trade. The whole tonnage employed, and the several proportions of the whole, which belong to different nations, afford a sufficient knowledge of the subject for public purposes.

We have annual statements of the tonnage of the United States. These statements exhibit the amount of all the tonnage held by our own citizens. The principal division of this tonnage is into that which is authorized by law to be employed in foreign trade, and that which is authorized to be employed in the coasting trade and fisheries. The respective amounts of both kinds of tonnage are stated. The registered tonnage is that which may be legally employed in foreign trade. But these statements do not show how the registered tonnage is really employed. Coasting vessels are not allowed to engage in foreign trade; but registered vessels are entitled to engage not only in foreign trade, but also in the coasting trade. A very considerable part of our registered tonnage is actually employed in the coasting trade; but how much of it is so employed is not stated by the Treasury. These statements afford no information of the actual pursuits of our registered vessels, or that they are employed at all. From this source, therefore, we learn the amount of our tonnage which has the legal character requisite for engaging either in the coasting trade or in foreign commerce, but we do not learn how much of this tonnage is employed either in coasting trade or in foreign commerce.

We have also annual statements of the tonnage of all vessels arriving in the United States from foreign ports. These statements show the amount of tonnage of our own vessels arriving, and the amount of tonnage of foreign vessels arriving, in each year. This information has been usually communicated to Congress, in statements annexed to the statements of the customs. The tonnage arriving is ascertained for the purpose of levying the duties imposed on the tonnage of all vessels entering the United States from foreign ports. Those duties are charged upon the whole tonnage of the vessel as often as it arrives from a foreign port. When the same vessel arrives twice or thrice in the same year, the tonnage of that vessel is repeated twice or thrice in the total amount of tonnage arriving stated for that year. The tonnage employed in trade with the West Indies appears, in the tonnage arriving, three, and frequently four times in the same year. The tonnage engaged in the trade with Europe enters into the tonnage arriving generally twice, and sometimes thrice, in the year. The tonnage employed in our trade with the countries beyond the Cape of Good Hope is generally included in the tonnage arriving once in each year. In some cases, the tonnage does not appear in the statements of tonnage arriving, until the first, second, or third year succeeding the departures of the vessels from the United States. These statements, therefore, show the amount of tonnage upon which duties are levied; and they comprehend in most cases the tonnage of the same vessel more than once in the same year.

Such is at present our official information concerning the employment of navigation in our foreign trade. This information is considerable and important; but it does not present all the facts which are sufficiently important to be known.

The true amount of our tonnage actually employed in foreign trade is not exhibited by either of the statements which have been mentioned. It is not exhibited by the statements of registered tonnage, not only because the registered tonnage may be unemployed, but also because much of that tonnage is constantly employed in the coasting trade. It is not exhibited by the statements of registered tonnage arriving from foreign ports, because, in most cases, the registered tonnage is included in these statements more than once in each year, as the same vessel arrives more than once in the same year. The total amount of tonnage registered, and the total amount of registered tonnage arriving, upon which duties are paid, are the facts which are now stated. Neither of these facts shows how much of our tonnage is really employed in foreign commerce at any time.

We have the amount of our own tonnage arriving, and the amount of foreign tonnage arriving, which are considered as the tonnage employed in introducing the imports; but we have no statement of the amount or national character of the tonnage departing, which is considered as that employed in taking away the exports.

In the absence of any account of vessels departing, this defect seems to have been considered as

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supplied by the accounts of vessels arriving. Every voyage of importation has been supposed to imply a corresponding voyage of exportation, and every arrival to indicate a corresponding departure. The same vessels are, in general, employed both in importation and exportation. As we have the tonnage of all vessels which enter the United States from other countries, the amount of that tonnage has been considered as the amount of the tonnage of all vessels which leave the United States for other countries; and as the amount of tonnage arriving is divided in the statements into the amount of our own tonnage and the amount of foreign tonnage, it has been supposed that the tonnage of our own vessels and the tonnage of foreign vessels bear the same proportion to each other in the case of departures as in the case of arrivals. The tonnage departing is thus deduced from the tonnage arriving; and the conclusion is, that they are both of the same amount. In pursuance of this conclusion, the tonnage arriving has been described in many statements which are before the public as the amount of our own tonnage, and of foreign tonnage employed in our foreign trade—an expression which comprehends exportations and departures as well as importations and arrivals.

The supposition that the tonnage departing and the tonnage arriving are of the same amount may be, in general, nearly correct, when it is applied to a considerable period of time; but it is by no means true that the tonnage departing and the tonnage arriving during any short period are equal to each other. In such periods as six months or a year there may be a great difference between the tonnage departing and that which arrives during the same period. The tonnage engaged in foreign trade varies greatly in amount from time to time. The proportion of our own tonnage to foreign tonnage also varies greatly from one time to another. As commerce fluctuates, so fluctuates the navigation which it employs. When the imports are much increased at any particular time, a quantity of tonnage may arrive greater than that which departs. When the exports increase, without a like increase of the imports, a quantity of tonnage departs greater than that which arrives. When we engage in a war which interrupts the ordinary pursuit of our navigation and commerce, the difference between the tonnage arriving and the tonnage departing may, in the first year of the war, be very great. In the first year of peace succeeding such a war, the tonnage departing may be much greater than the tonnage arriving. When wars between other countries open to our navigation new scenes of employment, much of our tonnage which is abroad may not return for a long time, or much of it which is at home may depart; and the tonnage arriving may, for some time, be much less than the tonnage departing. When such wars cease, our tonnage arriving may, for some time, much exceed our tonnage departing. When new regulations affecting commerce and navigation are established, they may for some time produce a great disparity between the tonnage arriving and the tonnage departing, or they may for some time produce a proportion between our own tonnage

and foreign tonnage, very different in the case of vessels arriving from the proportion which may exist in the case of vessels departing. These inequalities, by whatever causes they may be produced, are, indeed, not of long duration; and the general equilibrium between the tonnage arriving and the tonnage departing is, in the sequel, restored. But when such disparities between the tonnage arriving and the tonnage departing occur, they should be known without delay, since they always denote the operation of some new cause which must deserve attention. The tonnage arriving is stated for each year; and, without doubt, the tonnage departing during a year is frequently much more, and frequently much less, than the tonnage arriving during the same year. The proportion between our own tonnage and foreign tonnage is often very different in the case of vessels departing, from the proportion which appears between the two kinds of tonnage, during the same year, in the case of vessels arriving.

Our own vessels engaged in foreign trade are not comprehended in the tonnage arriving until they have left the United States and return from a foreign port. Much of our tonnage departing returns in the same year; but a considerable part of it does not return until the first, second, or third year succeeding the departure of the vessels. We have, therefore, no account in these statements of that part of our tonnage departing which never returns; and of that which returns a considerable portion does not appear in the tonnage arriving until some year subsequent to its departure. When our navigation employed in foreign trade is in a course of rapid increase, as it has generally been since 1789, the fact would first appear in the tonnage departing, if that tonnage were known. The foreign tonnage appears, in these statements, in the year in which it arrives. If the tonnage departing were stated, much of the foreign tonnage would appear as departing in the year subsequent to its arrival.

The tonnage necessary for the conveyance of our exports is far greater than that which is necessary for the conveyance of our imports. A great portion of our imports consists of articles of small bulk. Much the greater part of our exports of our own production are articles of great bulk. Our foreign trade, therefore, employs, not only so much tonnage as is requisite to introduce our imports, but also the much greater quantity of tonnage which is requisite for the transportation of our exports. If we ask how much tonnage is necessary for the transportation of our exports, the inquiry cannot be answered with any certainty. The quantity of tonnage actually employed in taking away our exports, in any particular year, has never been ascertained. It is still a problem how much tonnage has been actually employed at any time in the exportation of our own products, or how much tonnage is now necessary for that purpose. In the present state of our information, this question can be answered only by estimates. The conveyance of our own bulky products to other countries is a most important part of our foreign trade, in respect to navigation. A great quantity of tonnage, and

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great numbers of seamen, are employed in this service. The freights received upon these exports are very great, both in reference to the value of the articles exported, and in absolute amount. We know, in general, that much the largest share of the navigation employed in conveying our exports to other countries is our own; but we do not know either the whole amount of the navigation so employed, or the actual partition of that navigation between ourselves and other nations. It is highly important that we should know with certainty the amount of the navigation employed in taking away our exports, and the proportions of the amount which are held by ourselves and by other nations.

For these reasons, it is proposed to ascertain and state the tonnage and national character of all vessels departing from the United States for foreign countries. When we have the tonnage and national character of vessels departing as well as of those arriving, we shall possess the amount of all tonnage employed in our foreign trade, and the amount of our own tonnage employed in foreign trade, so far as they can be conveniently presented by annual statements, and as nearly as will be useful for ordinary purposes. We can then compare the tonnage arriving and the tonnage departing with each other, and we can see the actual share of navigation which we possess, and that which foreigners enjoy, in the transportation of both our exports and our imports. We can then observe the increase or decline of the tonnage employed either in exportation or importation, and how far such changes may be favorable to ourselves or to foreigners; and we shall be able to trace fluctuations in the employment of navigation, as they occur in each year.

The statements of tonnage arriving distinguish it merely into that of the United States, and that which is foreign, or not of the United States. The amount of each of the two kinds of tonnage is stated. We therefore learn from these statements nothing more than the amount of all tonnage arriving, and the respective parts of the amount which belong to the United States on the one side, and to the rest of the world on the other. These statements do not show how much tonnage is employed in any particular branch of our foreign trade, as, for example, the trade with France. They do not show how much of the tonnage employed in any branch of trade, as that with France, is our own, or how much is foreign; and they do not show to what foreign nation any part of the foreign tonnage belongs. We do not learn from these statements either the amount of our own tonnage engaged in commerce with any nation or country, or the amount of British tonnage, or that of any other foreign nation, which enters or leaves our ports.

The returns of the collectors to the Treasury state the tonnage of every vessel arriving from a foreign port, and the country from which the vessel comes, and they also specify the national character of the different foreign vessels arriving. The materials for stating how much of the tonnage arriving from any particular country is our own,

and how much of it is foreign, are, therefore, already provided. Some statements of these facts, in certain branches of trade, have been laid before Congress upon particular occasions, but the annual statements show nothing concerning the tonnage arriving from any particular country.

When the particular country from which tonnage arrives is stated, that fact indicates, in some degree, that the same tonnage, when it departs, returns to the country from which it came; because such is the most general course of foreign trade. But this is never a necessary inference; and, in a multitude of cases, the vessel does not depart directly for the foreign country from which it came. While our trade with the British West Indies was carried on in British vessels, much British tonnage, arriving from Great Britain, departed hence for the British West Indies. This tonnage appeared as tonnage employed in our trade with Great Britain. It was truly so employed in the voyages of importation, but in the voyages of exportation it was employed in trade with the West Indies; yet this tonnage never entered into any statement of tonnage employed in our trade with the West Indies. When one of our own ships exports a cargo to Spain, it may, in return, import a cargo from England. Its tonnage now appears only as so much tonnage engaged in trade with England. The same ship may, after its arrival from England, be sent to Russia, and there is no account of this tonnage departing. If the same ship should return directly from Russia, its tonnage will appear in the tonnage employed in trade with Russia; but, if the ship should proceed from Russia to Holland, and should enter here from Holland, its tonnage will appear as engaged in trade with Holland, and there will be no account of this tonnage as engaged in the trade with Russia. The practice is, to enter the vessel as arriving from the foreign port from which the imported cargo is brought. Much of our own tonnage which departs for particular countries returns with cargoes from other countries. All this tonnage now appears at the custom-houses and the Treasury as tonnage employed in the trade with the countries from which the vessels arrived with cargoes, and nothing appears respecting the tonnage or employment of the same vessels in their outward voyages to other countries. When the tonnage departing, and the countries for which it departs, shall be ascertained, as well as the tonnage arriving, and the countries from which it arrives, the tonnage employed in our trade with each foreign country will appear.

Our trade with China is carried on in our own vessels, but the amount of tonnage employed in that trade is unknown.

Our trade with most parts of the world is carried on partly in our own vessels, and partly in foreign vessels, but we know not either the whole amount of tonnage employed in our trade with any particular country, or what part of the amount is our own, and what part is foreign. In all those branches of our foreign commerce in which the conveyance of our exports or imports takes place partly in our own vessels and partly in foreign ves-

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sels, it is of great importance that we should know how much of our own navigation and how much foreign navigation are employed in the transportation. The cases in which the navigation is divided between ourselves and foreigners embrace far the greater part of our foreign commerce. It would, at all times, be useful to know the true share of navigation which we enjoy in trade with particular countries; yet this knowledge was, perhaps, less important while our system of discriminating duties was applied equally to all foreign countries. That system is now relaxed; we have relinquished it in respect to the British dominions in Europe, the Netherlands, Sweden, Prussia, Hamburgh, and Bremen. The vessels of those countries are now admitted into our ports upon the same terms as our own vessels. We should know how much of our own tonnage is now employed in trade with those countries, respectively, and how much of their tonnage now passes through our ports. These facts are not known; without them, we cannot estimate the effects of the present system of equal duties between ourselves and those countries; nor can we compare the effects of this system with the effects of the system of discriminating duties. The experiment of discriminating duties, operating equally upon all foreign countries, has been made, and with great effect, in favor of our own navigation. We are now in a course of opposite experiments. We have relinquished our discriminating duties in respect to Great Britain and certain other countries, which concede to us advantages supposed to be equivalent, while we retain those duties in respect to all foreign countries. The effects of both measures fall directly upon navigation. It is in the actual state of navigation as it may exist from time to time, and there only, that the effects of these different measures can be traced and seen. The experiment of open and common navigation, unfettered by preference or restriction, between some of the principal navigating countries of the world, is an interesting spectacle. To us, as one of the parties to this experiment, and possessing as we do a great navigation, and ample resources for its extension, it is a subject of peculiar concern. It is, therefore, specially important that we should possess the true state of navigation as it may exist between ourselves and those countries with which commerce is now equally open to the navigation of both parties.

When the tonnage of all shipping employed in our trade with particular countries shall be stated, we may estimate the value of the navigation employed in each branch of trade in reference to the length of the voyages performed. The benefits of navigation are in proportion, not only to the tonnage and seamen employed, but also to the time during which they are employed. The value of our trade with India and China depends much upon the great length of the voyages to and from those distant countries. The facts which are proposed to be stated will afford a view of the relative importance of the employments of navigation in the different branches of our foreign trade in this respect.

The returns of the collectors to the Treasury will specify the names, tonnage, and rational character of all vessels arriving and departing; and they will state the several foreign countries from which all vessels arrive, and for which all vessels depart. There will then be in the Treasury sufficient materials to show how many voyages are made by the vessels engaged in each branch of trade in one year, and how many times the tonnage of the same vessels enters into the statements of tonnage either arriving or departing in the same year. These facts are too minute to be inserted in the annual statements; but they are interesting, and they will be collected and preserved in the Treasury, from which they may be drawn upon special occasions. From these facts the exact amount of our tonnage actually engaged at any time in all foreign trade, or in our trade with any particular country, may be deduced; and from the same facts the number of seamen employed in all our foreign trade, or in our trade with any particular country, both in our own and in foreign vessels, may be sufficiently ascertained. The number of seamen usually employed in our vessels engaged in foreign trade has been estimated to be six men for one hundred tons of shipping. In this manner we may compute the numbers of seamen employed in any branch of our foreign trade, when we know the quantity of tonnage engaged in that trade; but such a computation must be founded upon the true quantity of tonnage actually employed in the trade. The annual statements of tonnage departing and arriving will, in most cases, comprehend the tonnage of the same vessels more than once in the same year; and, in some cases, the tonnage either departing or arriving will not enter into the statements of that year. The number of voyages made by the same vessels in the course of a year must therefore be known, in order to determine the true quantity of tonnage actually employed at any particular time, and the number of seamen requisite for that quantity of tonnage.

It is not meant that all the navigation which may pass between the United States and every foreign country should be stated separately in all cases. Where the intercourse between this country and any other is casual or inconsiderable, a distinct statement of the navigation employed in such intercourse would be of little use. Where the commerce between this country and any other is regular and considerable, a distinct statement of the navigation employed in it should be given. Our commerce with Great Britain, and that with France, Spain, Portugal, Holland, Russia, China, the British East Indies, Brazil, and the Spanish West Indies, are at present cases of this character. The propriety of stating the navigation separately in other branches of our foreign trade may be left to the officers who compile the statements. They will discern what branches of foreign commerce are of such importance as to render it useful to furnish separate statements of the navigation employed in those branches.

One peculiar case demands present attention. We have closed our ports against British vessels arriving from British ports which are closed against

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our vessels. This regulation relates particularly to the British West Indies. It is a measure which was due to ourselves, and to a just sense of our own rights; and it should be so enforced as to give it complete effect. The British Government have opened the island of Bermuda to our vessels. This act of the British Government defeats, in a great degree, the intended effect of our law. A great trade, hitherto unknown, now takes place between the United States and Bermuda, partly in our vessels and partly in British vessels, and between Bermuda and the British West Indies wholly in British vessels. Thus, the intercourse which we intended to suppress takes place between the United States and the British West Indies, through Bermuda; the longest part of the transit is performed exclusively by British vessels; and even a part of the intercourse between the United States and Bermuda is carried on by British vessels. It is our duty to pursue our own measure to its full effect, and to adopt such further provisions as may be necessary for that purpose. But, while this intercourse with Bermuda is allowed to exist, the extent to which it takes place should be stated and known.

The official statements of exports give no information of the vessels in which the goods are exported. Those statements do not show whether the goods are exported in vessels of the United States or in foreign vessels.

The official statements of imports divide the imports subject to duty into those which are imported in our own vessels, and those which are imported in foreign vessels. Three distinct tables are given: first, a statement of goods imported in our own vessels; next, a statement of goods imported in foreign vessels; and, thirdly, a statement called a general aggregate of all goods imported in our own and in foreign vessels. The kinds and amounts of the imports are stated in each table; the countries from which the imports come are stated alike in the first and second tables; and, in the third table, instead of particular countries, each foreign nation and its dependencies are stated. These three tables are of great length. One table, with some alterations in form, would be sufficient, and would better exhibit the facts, which are now separated from each other in distinct statements. A single table, with three suitable columns, would show all the facts to the eye upon the same lines. The first column might show the amount imported in our own vessels; the second column might show the amount imported in foreign vessels; and the third column would exhibit the total amount of the two preceding columns. Such an alteration will be proper, if the imports are to be hereafter stated with this discrimination of the vessels in which they are brought. But this discrimination in the statements is of very little use when accurate accounts of the tonnage arriving are taken. The object of stating the imports with this discrimination is to show how far the navigation which introduces them is our own, and how far it belongs to foreign nations. These facts are indeed shown, in some degree, in this manner. Where the imports are free from

duty, these statements show nothing concerning the navigation which introduces them. When the imports subject to duty are brought from a particular country, wholly in our own vessels, or wholly in foreign vessels, those facts appear by these statements. But the same facts will also appear from the tonnage arriving, and with the additional advantage of showing the quantity of tonnage employed in the importation. In most cases where the imports come partly in our own vessels and partly in foreign vessels, these statements afford nothing certain in respect to the shares of navigation enjoyed by ourselves or by foreigners in the importations. A great variety of imports is presented, some of which are stated only by values, and others by kinds and quantities. These facts furnish very little information concerning the national proportions of the navigation employed in introducing these imports; and they form a very imperfect foundation for any calculation respecting the tonnage employed or the freights earned. The tonnage and freights depend upon the bulk of the articles transported. Where values only are given, we know nothing of the kinds or quantities of the articles, and of course nothing of the tonnage requisite for their transportation. Where the kinds and quantities of the articles are given, we may indeed estimate the quantity of the navigation, if we know the amount of tonnage requisite for the conveyance of the various articles in question. But every such calculation must be very complex; and all such estimates must be at last less certain and satisfactory than the plain proportions of the navigation held by ourselves and by foreigners respectively, as these facts are found in the tonnage arriving. If it were useful to know the particular goods which are actually conveyed in our own vessels and those actually conveyed in foreign vessels, such a knowledge would be more important in respect to our exports than in respect to our imports. But no such discrimination is made or will appear in the exports. It is conceived that this threefold statement of the imports subject to duty is not of sufficient use to be continued; and it is proposed that the imports shall be in future stated without this discrimination. This retrenchment will probably diminish the annual statements as much in point of volume as they will be increased by the addition of all the new matters which are now proposed to be stated. No general system for statistical accounts of our foreign commerce has ever been established by law. No officer of the Government is required by law to compile, to communicate to Congress, or to publish any thing upon this subject. All the statements of our foreign commerce which have been here mentioned have been rendered by the officers of the Treasury, either in compliance with resolutions of one or other branch of the Legislature, or without any requisition whatever. The Senate and House of Representatives have each separately adopted such resolutions as they thought fit, calling upon the Secretary of the Treasury for statements of exports and imports; and all the statements which the Treasury could furnish have been given. Some of these resolutions are perma-

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ment, and require annual statements. The permanent resolutions of the Senate are of the 10th of February, 1796, and the 16th of March, 1796; those of the House of Representatives are of the 3d of March, 1797, and the 29th of May, 1798. The special requisitions which have been made upon the executive officers, on the part of each of the two Houses of Congress, for information concerning our foreign commerce, have been very numerous. If any proof were necessary to show either the importance of complete statistical accounts of our foreign commerce, or the poverty of our present information on this subject, that proof would be abundantly found in these unceasing calls for information concerning matters connected with our foreign commerce, which do not appear in the annual statements. At almost every session of Congress measures relating to our foreign commerce are agitated. Many of these questions are of the highest importance, and some of them are difficult, even with the clearest light of facts. If any facts are wanted, which do not appear in the annual statements, a call is made upon the executive officers; and, generally, upon the Secretary of the Treasury for information. The officer returns the best answer which he is able to give. Many of these answers have at different times been given with great ability, and they have served, in some degree, to supply the want of ascertained facts, by general views and judicious estimates. But, if all the material facts which compose our foreign commerce were ascertained and presented to Congress in annual statements, the estimates of executive officers would not be wanted; every legislator would then have before him the whole subject in authentic facts.

The annual statements of the Treasury have been here examined as statistical accounts of foreign commerce. Imperfect as they are in this view, their imperfections are not to be attributed to the officers of the Treasury; those officers have faithfully given the materials they possessed, and they could do no more. They have performed the duty which was imposed upon them by the resolutions under which they acted. In some respects, they have done much more. They have at different times, without any requisition from superior authority, made several very useful improvements in the forms of stating the exports. The materials concerning the exports are arranged and stated in the best manner in which they can be presented, as they are now returned to the Treasury. The annual statements concerning navigation are arranged and rendered in the best form which the present state of materials in the Treasury will permit. All the annual statements concerning tonnage have been rendered by the officers of the Treasury without any requisition for that purpose. To this time there is neither law nor resolution requiring annual statements of the navigation employed in our foreign trade. The principal defects which have been here detailed are defects of law. The executive officers have no power to obtain the facts which are requisite to supply those defects. Such a power can only be conferred by law. It is the province of the Legislature to establish such a sys-

tem as will supply the present defects, and bring forth all the desired information.

At present, the duty of preparing and rendering the annual statements of exports and imports depends merely upon the separate resolutions of the Senate and House of Representatives which have been mentioned. It is only in those resolutions that any account of the matters required to be stated concerning the exports and imports can be found; and those resolutions are very general and loose in their description of the facts which they require. The subjects which are proper to be stated should be defined by law; and the duty of compiling and rendering the annual statements should be imposed upon proper officers by law. A suitable and permanent system, adequate to the objects proposed, should be established. When this shall be done, a complete report of facts, showing the state of our commerce with every foreign country; and with all the world, in each year, may be annually laid before Congress.

The statements of exports, the statements of imports, and the statements of tonnage arriving from foreign countries, have been hitherto laid before Congress annually, but detached from each other, and at different times. It will be proper that the statements of exports, those of imports, and those of navigation employed in our foreign trade, should be laid before Congress in one body, and at the commencement of each annual session.

The present state of this subject will account for the method of this discussion. An existing system, sufficient in some points, but also defective in many respects, was to be examined. So far as it is sufficient, it required no comment. The proper course, therefore, seemed to be to point out and examine its defects. But this course of examination is deprived of the advantage of clear order. As many of the defects of the existing system are topics little connected with each other, so must be the parts of the discussion which examines them.

If we have statements of our foreign commerce at all, they should be both comprehensive and accurate; they should comprehend all facts which are really material for public uses, and they should be true in all matters stated as facts. Partial statements mislead, and erroneous statements deceive. The nature of the subject forbids us to expect entire accuracy in such statements. Perfect accuracy in these subjects is the shadow, which may be imagined, but cannot be touched; reasonable accuracy is the substance, which may be seized and presented in its just dimensions. Minute precision is not attainable, and, were it attainable, it would be without practical uses; but reasonable accuracy is sufficient for all practical uses, and reasonable accuracy is both necessary and attainable. Official statements will be taken for correct statements, and will be the foundation both of private reasonings and public measures. It may be better to have no official statements of foreign commerce than to have statements which are in any degree defective or erroneous.

According to the preceding views, a complete system for statistical accounts of our foreign commerce should embrace statements of these facts:

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1. All our exports.
2. All our imports.
3. All the navigation employed in our trade with the rest of the world.

And these general heads should be stated in such details and divisions as to exhibit the following facts:

1st. The kinds, quantities, and values of exports and imports.

2d. The exports to every particular country.

3d. The imports from every particular country.

4th. All the navigation employed in our trade with each foreign country, distinguishing our own navigation from that of foreign nations.

The actual state of our trade with every particular foreign country would then appear distinctly; and the state of our foreign commerce would result from the several parts of the whole subject. Such statements would exhibit each branch of our foreign trade as one entire subject, both in respect to commerce and navigation; and the aggregate of all the particular branches of trade would exhibit the true state of our intercourse with all the world.

But, as much of this information is now afforded by the existing system, the particular amendments which are requisite to supply the defects of the present system are these:

1. That the accounts of exports furnished at the time of exportation, and the destinations of the exports, should be stated and verified, not only by the master of the vessel, but also by the owner or exporter of the articles.

2. That imports free from duty should be ascertained and valued.

3. That imports subject to specific duties should be valued.

4. That certain of the most considerable parts of the imports which pay duty on the value should be stated by their kinds and quantities as well as by their values.

5. That all the imports should be valued at their foreign cost.

6. That the national characters and tonnage of all vessels departing from the United States should be ascertained and stated.

7. That the national characters and tonnage of vessels, both departing and arriving, in the trade with each of the foreign countries with which our commerce is considerable, should be separately stated.

8. That all these facts should be properly combined with those which are now ascertained; and that the whole should be digested in suitable forms into annual statements; and

9. That a general and permanent system, providing for the attainment of the objects here proposed, should be established by law.

A bill embracing the provisions which are here recommended is now submitted.

Statistical accounts of foreign commerce are important, from the peculiar nature of intercourse between independent nations. Commerce between nations depends upon both parties, upon compacts between both, upon regulations which either or both may establish, and upon all the measures which the policy, the pleasure, or the passion of

rulers may lead them to adopt in respect to intercourse with other nations. Though the interests of all nations would be best promoted by allowing to commerce between them the full freedom which is allowed to the commerce of persons in the same society, it is vain to expect that this theory will ever be generally adopted and carried into practice. While Governments, seeking to obtain superior or exclusive advantages, will regulate and restrain foreign commerce, the Governments of other nations affected by such measures, even if they feel not the like motives, must assert their equal rights and protect their own interests. If there were no other cause of obstruction, the necessity of revenue, and the facility of obtaining revenue, by taxes levied through the medium of foreign commerce, will always be a great impediment to the natural freedom of trade between nations. Our system is, to a great extent, that of open and free commerce with all the world; but, in some of the most important branches of our foreign commerce, we are met by foreign prohibitions, restrictions, and regulations, which deprive us of our just share of the benefits of mutual intercourse. We are therefore compelled to seek relief from the effects of such foreign systems by treaties, or to counteract them by our own regulations. Hence a knowledge of the actual state of our trade with particular countries is exceedingly important. It is with particular Governments, and concerning particular branches of trade, that these collisions take place. The commercial regulations of any country may be known, but such regulations afford no information of the state and extent of the trade to which they are applicable. The effects of such regulations cannot be justly comprehended without a knowledge of the facts upon which those regulations operate.

Our foreign commerce is the means of vending our surplus products, which are great and valuable, and the means of procuring the products of other countries, which we desire for our consumption. It is a great source of wealth from the profits of trade and the employment of navigation, and it affords the means of great naval power. It is the principal source of revenue; it is at the same time a great impediment to the progress of our own manufactures; and it holds us in a certain degree of dependence upon foreign nations for the supply of our own wants. Shall our foreign commerce be cherished for the sake of wealth, naval power, and revenue; or shall it be restrained to promote domestic manufactures; to render ourselves essentially independent of the rest of the world for the supply of our own wants; and to avoid the collisions to which foreign commerce is exposed from the ambition, rapacity, and wars, of other nations? These are all great questions of national policy; and they present, to a certain extent, a conflict of opposing considerations. It is not the purpose of this report to discuss these questions. Whatever views may be taken of them by some, and whatever may be the opinions entertained concerning them by others, the knowledge of the facts from which these questions arise is equally necessary and important to all. The facts which compose our foreign

Horses lost in the Seminole War.

commerce must be the foundation of all reasonings and all conclusions concerning these questions. The present purpose is to provide authentic information of these facts. As our foreign commerce produces directly or indirectly most important effects upon all interests and classes of the nation, all are interested in that commerce; all are entitled to speculate and form opinions upon these questions; and every interest is entitled to a just protection from the Government of the whole. The Government has not only to judge, but to decide. Its decisions produce effects which are felt in every branch of public and private concerns. It is the common interest of all that our foreign commerce should be thoroughly known and understood. If our foreign commerce were, and could continue to be, perfectly free, it would still fluctuate with all the varying circumstances of the world; and information of its actual state, from time to time, would be highly interesting. But our foreign commerce will always be the subject of much legislation and many practical measures. The great questions and interests which are involved in our foreign commerce must always be a principal subject of the deliberations and measures of the National Government. The first requisite to wise legislation and judicious measures upon this subject must be the knowledge of the facts which constitute the subject itself.

Our foreign commerce is very great, and greater than that of any other nation, excepting one. This is not the place to discuss the importance of our external commerce, or to trace its connexion with our internal concerns. It exists, and it is closely interwoven with all the great interests of the nation. In whatever view it is considered, it is a subject of the highest moment. That the facts which compose this great subject should be known, will hardly be disputed. Without them, the subject itself cannot be understood, nor can the interests of the nation receive a judicious care. The power to regulate and protect our commerce with foreign nations is confided to this Government. It belongs to the same Government to provide authentic information of the state of that commerce. Let the facts, as they take place, be ascertained and made public to all. They deserve the attention of all, but more especially the constant and watchful attention of legislators and statesmen.

HORSES LOST IN THE SEMINOLE WAR.

[Communicated to the House, March 14, 1820.]

Mr WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the bill from the Senate entitled "An act for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians," submitted to the House the following report:

The discussion of the principles involved in this bill at an early period of the session supersedes the

necessity for any very detailed remarks; the committee, therefore, merely suggest, with as much brevity as possible, the reasons which have induced them to recommend its indefinite postponement.

The bill presupposes a liability in the United States to pay for horses, which the committee are unwilling to acknowledge. The loss of horses for want of forage was one of the contingencies to be apprehended at the time they entered the service. In every country, in those best cultivated and most highly populated, a scarcity of food, both for man and beast, will sometimes be experienced. It is an accident or privation incident to the very condition of war. What, then, must have been the mutual understanding of the parties when the persons for whom the bill provides engaged in the service of Government? The act of Congress assured them they would be allowed forty cents a day for the use and risk of their horses. This sum they are entitled to claim, and, perhaps, in every instance, have already received.

The act further assured them they would be supplied with forage; but this, like every other promise, cannot be understood as obliging Government to act beyond the boundaries of reason and probability. It has been already stated that the want of forage is one of the contingencies to be apprehended in every country where military service is to be performed; if this be true in general, how much more so is it in regard to the particular country in which the Tennessee volunteers engaged to serve? It is unreasonable to suppose that Government could promise to supply them at all times with sufficient forage in a wild, uninhabited, and uncultivated country, when it is well known that it would be impossible to execute a similar promise in those districts of country where agriculture obtains in the highest perfection. The act of Congress must, therefore, be understood to mean that, as far as it was practicable, or even possible, for Government to supply forage, it should be done; not that it should be done at all hazards, in defiance of every accident or the most uncontrollable events.

The committee cannot judge of this principle assumed in the bill by any other rule. For whose benefit, let it be asked, was it that forage should be furnished? Certainly, for the Government. It follows, then, that, from a regard to its own interest, Government would have supplied forage whenever it was practicable; but to require payment now for losses occasioned by the want of it, goes to charge Government with culpable negligence; with having failed to perform its duty to itself. Such allegations cannot be supported either in principle, or by the facts which exist in the case. The letters from Dr. Bronaugh and Colonel Gibson, submitted to the committee with the bill, prove clearly that there was no negligence on the part of Government; that no exertions, however great, could have procured the necessary supplies. Will it then be said that Government should be required to perform impossibilities, or provide against events which the parties must be supposed to have included in the conditions of their con-

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tract? For these reasons, the committee object to the principle assumed in the bill, and deny any liability in Government to pay for horses which died in the Seminole campaign for want of forage.

The bill further provides that, when owners were dismounted in battle, and the horses escaped, payment shall also be made. The committee think this is another of those risks anticipated and understood by the parties, and covered by the allowance of forty cents per day. It cannot be pretended that Government engaged that the riders should always remain on horseback, notwithstanding the incidents of any particular battle, or the general service of the campaign, should require them to be dismounted. The mounted gunmen, on the other hand, must be supposed to have stipulated that, either on horseback or on foot, they would engage the enemy; that they would fight in any way pointed out by their commander; and if, in rendering obedience to orders, their horses should be lost, the loss was to be considered only as a usual and customary result from the service in which they had stipulated to engage.

The policy of the measure is likewise very objectionable. Government cannot insure property thus engaged in the public service. Volunteers, mounted gunmen, and every other species of troops, would become negligent in taking care of their horses, if it be once understood that they are to be paid for them when lost. It would, indeed, be the interest of owners to preserve them till near the close of a campaign, receiving forty cents a day for the use and risk, and then, just before quitting the service, let them die by neglect, even when forage was plenty, or destroy them by hard treatment. The policy of giving forty cents a day consists in this: that, while owners are allowed reasonable compensation, they also have an inducement sufficiently strong to take care of their horses. But this inducement would lose all its force and effect if the horses are to be paid for when lost. If forty cents is not adequate compensation, Congress should augment it to sixty, eighty, or a hundred cents, rather than pass laws holding out inducements to owners to neglect or destroy their property.

Experience forbids the passage of the bill. The act of the 9th of April, 1816, commonly called the "claims law," the Canadian volunteer act, and the late act granting pensions to those who performed service in the Revolutionary war, have all been productive of serious mischief. They have opened the door for immoralities so great, that the committee will forbear to name them more specifically. It is believed no law of the kind could be so guarded in its provisions as not to be evaded in practice; and, if not absolutely required by the demands of justice, it should never be proposed.

Insurmountable difficulties are to be seen in administering the law. Who can tell whether a horse died for the want of forage, on account of disease, or from the neglect and inattention of the owner? The only risk assumed by Government in the act under which these troops were called

into service is, that if a horse be killed in battle, then the owner must be paid. The cause of this loss can be distinctly and definitely known, and therefore Government may safely assume the responsibility. But the total negation of all other risks on the part of Government proves clearly that the framers of the law conceived it would be bad policy to take upon themselves responsibility for losses, the cause of which could not be known, and which, perhaps, if properly understood, would, in nine cases out of ten, be found to exist with the owner rather than with Government.

The injuries sustained by the claimants are depended on as a reason to induce the passage of a law for their relief. But the committee think no injuries have been sustained. Information has been received from the Second Auditor of the Treasury Department, by which it appears that the rolls of four companies have reached that office; that the officers, non-commissioned officers, musicians, and privates, have received each forty cents a day for the use and risk of their horses, arms, and accoutrements, from the commencement to the termination of their services. The committee, therefore, feel authorized to state that the same rule was adopted in making payment to all the troops for whom it is intended to provide.

If, then, a horse died, when only one-third or one-half the campaign had expired, the owner received pay for him after his death, at the rate of forty cents a day. Without noticing the impropriety of paying for the use and risk of a horse after he was dead, the committee would remark that, under the operation of this rule, the owners of horses have received a sum fully equal to their average value, and, in most cases, perhaps, greatly beyond it. There is, then, no real cause of complaint. Had Government purchased the horses before they entered the service, the situation of the owners could have been no better than it now is; and surely there is not the least imaginable cause of complaint, provided they are placed on no worse footing than they would have been if their property had been purchased. At all events, if Congress should pass the bill, the committee would recommend that forty cents a day for the use and risk should be deducted from the time of the death of any horse. The bill itself presupposes and admits the fact that the horses died during the campaign, and, consequently, before the end of the campaign. But it appears the owners have received pay up to the end of the campaign, and therefore have been paid for the use and risk of their horses after they had died. The committee have never before been made acquainted with any principle which would sanction the propriety of paying for the use and risk of property when that property did not exist, could not be used, and was at no risk; all of which must have happened in the present case. It seems, indeed, that the claim of Government against these individuals is much more just than their claim against Government. The committee recommend that the bill be indefinitely postponed.

*Discriminating Duties on American Products.***DISCRIMINATING DUTIES ON AMERICAN PRODUCTS.**

[Communicated to the House, December 27, 1819.]

To the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth, that your memorialists have witnessed, with feelings of deep concern, the consequences resulting to the shipping interest of the United States from the discriminating duties established in France on the staple products of this country.

At the period of their imposition, and for a considerable time subsequent to the late war in Europe, the trade carried on by French vessels with the United States was chiefly confined to New Orleans and other Southern ports, whose productions constituted the principal exports from this country to France, whilst their interest in shipping is very limited; so that the effects of the enormous discriminating duties, payable on the importations into France of cotton and tobacco, in transferring to French vessels the carrying trade to that country, were not immediately perceived or felt by the ship owners or merchants in this quarter of the Union. But the severe losses sustained by those who employed our vessels in that trade have since led to an investigation of their causes, and created a universal feeling of the injury and injustice to which our flag is subjected.

In giving to this subject the attention which its importance demands, your memorialists find that the foreign tonnage duty and light money payable in the United States are very nearly equal to the foreign tonnage duty and port charges in France, and may therefore be considered as regulated upon the principle of a just and fair reciprocity; while the discriminating duties imposed on the importation of merchandise operate on the shipping interests of the two countries in a manner altogether disproportionate and unequal.

The foreign or discriminating duties paid by American vessels importing the following articles into France are, one and one-half cent per pound (French weight) on cotton; one and one-eighth on tobacco, and fifty-five per one hundred pounds on potashes; which extra duties exceed the whole freight now paid for the transportation of those articles from the United States, whether in French or in American bottoms.

The present rates of freight in French vessels are about one and one-eighth cent per pound for cotton; three-fourths for tobacco, and one-half for potashes; and, in American vessels, about one-third below these rates—making the difference of duty by a French vessel exceed the gross amount of freight, by an American vessel, at least one-third.

To form an estimate of the practical result of these regulations, it will be assumed that a vessel of 300 register tons burden will carry 560,000 pounds weight of tobacco, the difference of duty on which, at one and one-eighth cent per pound, would be \$6,300, which is equivalent to \$21 per

register ton; or, in a vessel of the same description carrying 280,000 pounds weight of cotton and 220,000 pounds weight of potashes—

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| The difference of duty, estimated at one | |
| and one-half cent on the cotton, is | \$4,200 |
| And that on the potashes, at 55 cents per | |
| 100 pounds, is | 1,210 |

| | |
|--------------------|---------|
| Would be, together | \$5,410 |
|--------------------|---------|

which is equivalent to \$18 per register ton.

The discriminating duties chargeable on the three articles above enumerated, which constitute the bulk of our exports to France, form an aggregate much greater than the foreign duty of ten per cent. payable in the United States would amount to, if calculated on the whole importations from France; and the experience of the last two years confirms what indeed is sufficiently obvious from the preceding statement, that a perseverance in the present regulations of our intercourse with France must operate to exclude American vessels from all participation in the carrying trade connected with it.

Your memorialists, in earnestly soliciting that the attention of your honorable body may be engaged in devising some remedy for an evil so serious and alarming, beg leave to suggest their conviction of the utter inefficacy of any system of countervailing discriminating duties to be levied on the importations into the United States of French merchandise, inasmuch as the articles which would be the necessary objects of such duties bear no proportion in their bulk and in the price of their transportation to those which form our exports to France. And the course of the colonial trade, moreover, enables French vessels to avoid the inconveniences of performing the voyage across the Atlantic in ballast, by taking a freight from the ports of France to those of her colonies, and then turning their course advantageously to our ports, either in ballast or with colonial produce; while our vessels generally return direct from France in ballast, or only with inconsiderable loadings.

To exhibit in its proper light the importance of the subject under consideration, it will be necessary not only to advert to the actual amount of tonnage employed in the transportation of our produce to France, compared with the aggregate tonnage employed in foreign trade generally, but also to take into view their future relative proportions, when our trade to France shall have received all the extension of which it is susceptible by the progressive increase in the cultivation of our Southern products, and when our shipping shall have experienced the reduction it is to suffer by the effects of the further development of the actual state of our foreign commerce.

It would be superfluous to enter into details to show how extensively, and almost entirely, all the sources of that commerce are cut off. It is a lamentable fact, that more than half the number of vessels lately arrived in this from foreign ports are dismantled, from the absolute absence of any advantageous object of commercial pursuit. And this state of commerce seems the natural and ne-

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cessary result of the new order of things which has prevailed since the pacification of Europe. Every restraint that lately shackled the navigation of the principal maritime nations of Europe has been removed, whilst the general trade and navigation of those States are, at the same time, regulated with a studious regard to the interests of their own subjects; so that the United States have not only ceased to be the carriers for Europe, but are deprived of the means of entering into a fair competition in the transportation to foreign countries of the principal products of their own soil.

It would seem obvious that, during the continuance of a state of peace in Europe, the great elements of our commerce in that quarter of the globe will be confined to the exchange of our products for such articles of foreign production as may be required for home consumption.

The quantity of American cotton, tobacco, potashes, and other staples now consumed in France, cannot be correctly stated by your memorialists, but they presume it to be equal to a fourth of the whole quantity exported to Europe. The aggregate tonnage employed last year in the direct trade from the United States to France is estimated at fifty thousand tons; in addition to which, an indirect trade of considerable extent has been carried on through the circuitous channel of England. (The saving on the duties by reshipping our cotton and tobacco thence to France in French vessels, instead of shipping them direct from the United States in American vessels, being more than equivalent to the extra freight and charges attending the additional voyage.)

If we limit our views of this carrying trade to the employment of 50,000 tons of shipping, the freight out and home, calculated at \$20 per ton, amounts to \$1,000,000; which sum, if gained by our vessels, might justly be considered as so much capital added annually to the stock of national wealth.

However small the net profit may be to the ship owners on this amount of freight, the disbursements for the equipment, and the wages for the navigation of the vessels, would be left at home; and, together with the employment it would require of so large a body of seamen, would materially conduce to create and maintain the elements necessary to advance our commercial and naval interests.

The act of Congress offering to foreign nations the means of a free intercourse with this country, on terms of perfect reciprocity, has not, as is believed by your memorialists, been found as beneficial in its operation as was justly to have been expected.

Those nations whose acceptance of the invitation it held forth might subserve the views and interests of the United States are found to remain passive; while Holland, Sweden, Prussia, and the Hanseatic Towns, adopting the principle of reciprocity, secure to themselves an important exemption in our ports, without affording any privilege in theirs not before enjoyed by the United

States, and, in fact, gratuitously granted to every other nation.

Until lately we found some advantages in our commercial relations with the possessions of the King of the Netherlands by participating in the trade to the colony of Java; but now, heavy discriminating duties are laid to confine all the advantages of that trade to Dutch vessels. Your memorialists do not notice this circumstance as requiring the application of any remedies within the purview of this memorial, but to show the progressive extension on the part of the European Powers of a system of absolute colonial monopoly, and to evince the necessity of devising means to counteract the growth of that system by some vigorous effort on the part of our Government.

Louisiana was acquired by the United States in her colonial state, and the monopoly of her extended and growing trade would be more valuable than that of any two colonies whatever; and the Floridas, if they passed from their present abandoned and miserable condition to be integral parts of the Union, cannot fail, by the quickening influence of our free institutions, to open vast resources of trade, and may add to the list of our present exports even the articles of sugar and coffee, hitherto deemed exclusively colonial.

The liberal policy of the United States in opening to all nations a free trade to the vast marts of their colonial acquisitions ought, it would seem, to entitle them to some corresponding privileges from those nations, at least, who participate largely in the benefits of that trade; but no such reciprocity has been experienced, nor, as the result of gratuitous concession, is it to be expected.

In reference to the oppressive discriminating duties on the importation of American products into France, which it is the principal object of the present memorial to bring under the notice of Government, your memorialists take leave most respectfully to suggest that they can devise no expedient more likely to produce a favorable change in the present system of the French Government, nor better calculated to enable the citizens of the United States successfully to resist it if persevered in, than the imposition of a heavy tonnage duty; and at the same time no measure appears to your memorialists so consistent with the general policy of the United States.

Referring to the statement already made, exhibiting the effects of the discriminating duties in France on cotton, tobacco, and potashes, considered as a tonnage duty on American vessels, your memorialists leave to the superior wisdom of Congress to determine, on a full consideration of all the circumstances connected with the case, what tonnage duty should now be imposed so as to make this a fair and effective countervailing measure.

Your memorialists, considering moreover that some new provision is necessary in order to render beneficially operative the act of Congress which offers to foreign nations the means of commercial intercourse upon the principle of reciprocity, respectfully suggest that this duty should be made to apply to all nations which shall not adopt that principle.

Discriminating Duties imposed on American Products.

A general regulation of this nature, while it would violate neither the letter nor spirit of our treaties with France, appears to be equally expedient in reference to other nations.

Spain, for instance, besides imposing, as is believed, discriminating duties on the articles of our exports imported into the mother country, exacts most excessive extra duties on provisions imported by American vessels into her colonies. Among others, that on the article of flour amounts, in Cuba, to \$3 37½ per barrel. The regulations of trade in the ports of the Spanish colonies are such as not to place the intercourse with them under any of the restrictions contained in the navigation act; and thus, while this trade remains open to both nations, the discriminating duties imposed on those colonies must operate to transfer it altogether to Spanish vessels as soon as their flag can navigate securely.

Your memorialists are persuaded that a measure like the one proposed, could produce no injurious effects upon the agricultural and commercial interests of the United States, by abridging in foreign markets the sale of their produce.

The prohibitory regulations of different Governments prove, that the want of our provisions is the only security we now enjoy for their admission into foreign ports; and, wherever this want exists, they will continue to be received, direct, or by intermediate ports.

The principal articles exported to France are so essential to the supply of her manufactories that they cannot be dispensed with; so that, if a system of commercial regulations could be supposed to exist, operating to prevent a direct exportation of those articles to that country, its whole supplies of cotton and tobacco must be derived through the circuitous channel of England, (as has been partially practised for the last two years,) or through some of the neighboring ports of the Continent; and, in either case, we should at least partake in the advantages of their transportation across the Atlantic.

The right of the citizens of the United States to participate, on equal terms, in the advantages to be derived from their commercial intercourse with foreign nations, appears to your memorialists to be indisputable; and they appeal with confidence to Congress for such interference on their behalf as the public policy may justify.

Although it may be questionable whether, in a case like the present, it would comport with the dignity of the nation to offer any considerations to foreign Powers, in order to obtain a just reciprocity of commercial benefits, yet your memorialists take leave to suggest the expediency of holding out to France some further encouragements to the consumption in the United States of French wines and silk manufactures.

Encouragements of this nature, if not required as an inducement to France to place the regulations of her trade with this country on a more equal and just footing, may possibly be used to obtain some relaxation in her colonial restrictions, and induce the repeal of the late order directed to the national tobacco manufactory in France, which

restricts the employment of the foreign growth of that article to the proportion of one-sixth part for five-sixth parts of domestic growth.

It is true, in reference to the article of wines, the duty on which is now sufficiently reduced, the United States could, in the way of inducement to France, only assure to her the continuance of that reduction; but, in regard to silk manufactures, the imposition of additional duties on the same articles imported from China might be adopted as a measure of reciprocal advantage.

It would certainly be of great importance to France to check the immense importations from China of silk goods in imitation of French fabrics; and, considering the heavy drains of specie from the United States, which are caused by the prosecution of the trade to China, it would at least be equally advantageous to us to receive the same articles from countries where they can be obtained in exchange for our own products.

Your memorialists are anxious to maintain the national prosperity, and would discredit the unreasonable clamor of desponding and embarrassed traders; but the foreign commerce of this country, at the present period, is so rapidly declining, and its shipping interest so particularly depressed, that they feel themselves constrained to declare their firm conviction that both must dwindle into comparative insignificance, unless the measures of foreign Governments operating to deprive this country of an equitable participation in the benefits of its commercial intercourse with them, shall be promptly met and counteracted.

Under a deep impression that the prosperity of the nation is intimately connected with the prosperity of its commerce, and that the rising hopes of its future naval power are essentially dependent on the maintenance of its navigation, your memorialists have thought it a duty they owe the community to submit these considerations to the wisdom of Congress, humbly praying that they will afford such relief in the premises as the nature of the case may require.

WM. BAYARD, *Pres't.*

JOHN PINTARD, *Secretary.*

COUNTERVAILING MEASURES AGAINST THE DISCRIMINATING DUTIES IMPOSED BY FRANCE ON AMERICAN PRODUCTS.

[Communicated to the Senate, January 4, 1820.]

To the honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the undersigned, captains of American vessels lying in the port of New Orleans, respectfully sheweth: That your memorialists, representing also the officers and seamen of — hundred — vessels lying in this port of New Orleans, (which they are in the habit of frequenting,) have experienced for the last two years an alarming decrease in the American shipping business previously employed in the trade hence to French ports.

That the means of procuring a comfortable live-

Discriminating Duties imposed on American Products.

lihood from the profession exercised by your memorialists, being identified with the general prosperity of the shipping interest of the Union, imboldens them to set forth in this memorial the loss it is suffering from the fatal influence of the discriminating duties established in France to favor its own vessels in the exclusive importation there of the great staples of the United States, the progressive evils of which influence your memorialists have painfully witnessed for the last two years in silence, from the expectation they (and no doubt their ship owners also) entertained that a commercial treaty was negotiating, which, at least, would have established the intercourse between France and the United States on the same footing on which it exists as regards England and other countries that have adopted the liberal system to which Congress has invited all nations.

Your memorialists propose to prove, by inconsistent facts—

That the difference of duty in France paid by American and French vessels on the articles of cotton and tobacco, is more than the whole freight now paid on the same hence to Liverpool, or that can be obtained for an American vessel in France.

That the discriminating duties and tonnage that would accrue to American vessels in France, compared with the same that would apply on French vessels in the United States, with reference to the trade of this place, would be more than ten to one.

That, notwithstanding the ten per cent. additional duty paid by foreign vessels, it is only on a few articles of value, and not of bulk; that it is sufficient to give a preference to American vessels to obtain the freight of the imports from France; the aggregate importations thence to this port by French vessels, exceeding very much in quantity that by American vessels.

That the carrying trade to France, which three years ago was altogether in American vessels, last year was nearly equally divided between them and French vessels; and that, since the beginning of the year 1819, it has been carried on in French vessels nearly in the proportion of four to one.

To establish the truth of these facts, your memorialists beg reference to the annexed tables, extracted from the custom-house books of this district, and certified by the collector; from which it appears that the vessels cleared out hence for French ports were, in 1818,

| | Tons. 94ths. |
|-------------------------------------|--------------|
| 39 American, aggregate tonnage | 9,134 53 |
| 36 French, aggregate tonnage | 7,553 63 |
| 75 vessels, total aggregate tonnage | 16,688 22 |

The vessels cleared out and about loading for the same ports, since 1st January to 17th March, (about two and a half months,) in 1819:

| | Tons. 94ths. | Tons. 94ths. |
|---|--------------|--------------|
| 33 French. 21 cleared, aggregate tonnage | - | -4,945 74 |
| 12 in port and loading, aggregate tonnage | -2,839 57 | |
| | | 7,785 37 |

| | | |
|--|---|------------|
| 9 American. 7 cleared, aggregate tonnage | - | - 1,750 84 |
| 2 loading, aggregate tonnage | - | - 655 00 |
| | | 2,405 84 |

| | |
|---|-----------|
| 42 total vessels until the 17th of March, 1819, tonnage | 10,191 27 |
|---|-----------|

These results demonstrate what your memorialists have advanced as to the rapidly progressive transfer of the carrying trade in question from American to French vessels; which, indeed, has not become absolute for the whole, from the circumstance that until now there have not been a sufficient number of French vessels to embrace it, and that a few of our ship-owners have made forced operations in order to employ their vessels.

By comparing the dates of clearances of the French vessels, it will appear that last year, until all the French vessels left this port, few or no American vessels were loaded for France; and probably the latter part of this year there will be, for the same reason of a want of French vessels, many Americans employed in the same way. But it cannot be doubted, with the advantages the former possess, that a short period will only be necessary for them to multiply and entirely destroy the feeble efforts of competition that may be maintained by a few ship-owners that load their own vessels, who must, however, if they persevere, eventually terminate it by ruinous sacrifices.

To avoid useless details and amplifications, your memorialists have confined themselves to the consideration of the articles of cotton and tobacco, (although potashes and others might be added,) to establish the difference paid in France by American and French vessels.

The duty in France on cotton is—

| | |
|-----------------------------------|----------------------|
| On an American vessel, 38f. 50c. | |
| per 200 lbs., (French pounds,) or | - 3.61 cents per lb. |
| On a French vessel, 22f. 00c. | |
| per 200 lbs., (French pounds,) or | - 2.06 cents per lb. |

| | |
|---|--------|
| Difference of duty on cotton, in favor of French vessels, per pound | - 1.55 |
|---|--------|

The duty on tobacco is—

| | |
|---|--|
| In an American vessel, 11f. 00c. per 200 pounds, (French.) | |
| Add 10 per cent., 1f. 10c. for that paid on the tare, which is not deducted by the custom-house in France, makes 12f. 10c. or equal to 1.125 cent. per pound. | |
| Tobacco in a French vessel is free. | |
| Difference of duty on tobacco in favor of French vessels, per pound, 1.125 cent. | |

It is to be remarked that the tonnage duty paid by American vessels in France is 4f. 50c. per ton, or 85 cents; and the brokerage for entering and clearing at the custom-house is established at 1f. per ton, or 18½ cents; together, per ton, \$1.03½,

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which is more than the foreign tonnage paid in the United States, at 50 cents, and foreign light-money, 50 cents; together, \$1 per ton.

Without taking notice, therefore, in the following calculations, of the tonnage or light-money paid in the respective ports, your memorialists will proceed to state that the freight now and usually current from this port to Liverpool is one penny per pound on cotton, equal to 1.85 cent per pound.

To be deducted, charges attending shipment at New Orleans:

75 cents per bale for re-pressing the cotton.
12½ cents drayage to the press.
28 cents rolling and stowing on board.

\$1 15½ altogether, per bale of 350 pounds, equal to 0.31 cent per pound; net freight 1.54 cent per pound, (exclusive of stone ballast.)

The freight on tobacco for the same place is a half-penny per pound, equal to 0.93 cent.

To be deducted, rolling and stowing on board, at 75 cents per hogshead of 1,200 pounds, net per pound 0.6 cent; net freight per pound 0.86 cent.

Applying these data to shipment by an American vessel of—

80 tons cotton, or 179,200 pounds, the freight, at 1.54 cent would be - - - \$2,759 68
130 tons tobacco, or 291,200 pounds, the freight, at 0.86 cent, would be 2,504 32

210 tons total freight would be - 5,264 00

The difference of duty on 179,200 pounds cotton, at 1.55 cent, would be - - - \$2,777 69

The difference of duty on 291,200 pounds tobacco, at 1.25 cent would be - 3,276 00

Total difference of duty - - - 6,053 69

Making the difference of duty more than freight by - - - \$789 69

And supposing it would require a vessel of 300 register tons burden to carry the 210 tons weight of cotton and tobacco, it would make the saving of duty of \$6,053 69 to a French vessel, amounting to more than twenty dollars per ton.

It now remains to be considered how far the ten per cent. additional duty on goods imported into the United States by foreign vessels, goes to countervail the difference shown to be paid in France by American vessels. It may be premised, indeed, as there is no proportion between the bulk and value of our exports to the imports from France, that the French merchants, if they employed our vessels exclusively to bring their produce to the United States, which they can do at a most trifling freight would not certainly pay one-tenth part of the freight money that would accrue to their vessels, if they are allowed to secure to themselves the carrying trade of cotton and tobacco from the United States to France.

Therefore, that it is ineffectual to seek a remedy to the discriminating duties on our produce in France by increasing those paid here by French vessels bringing the produce of that country, and that nothing can be sufficient but a positive tonnage duty, graduated according to the amount of the discriminating duties that may exist in France on our principal staples; it being almost certain that the difference of duty on these articles sent to France from hence this year will amount to more than all the duties collected by this custom-house on imports from France, both by American and French vessels.

By the accompanying table, it will be seen that there entered from French ports from the 1st of September, 1817, to the end of 1818—

| | |
|-------------------------------------|--------------|
| 36 American vessels. | |
| 57 French vessels. | |
| — | |
| 93 total vessels. | |
| Aggregate tonnage, American vessels | - 7,601 |
| Do. French vessels | - 12,089 |
| | 19,690 |
| Amount of duties, American vessels | \$290,834 65 |
| Do. French vessels | - 263,664 67 |

Total - - - \$554,499 32
being at the rate of \$443,600 per annum.

But the importations during these fifteen months were excessive, and prices, in consequence thereof, are less in this place than first cost.

A large estimate for average duties of importations of succeeding years may be taken at 400,000 dollars.

It has been shown already that, in little more than two and a half months of this year, 10,191 27-94 tons shipping are employed in the exports hence to France; and, supposing what will be employed for the remaining nine months as much more, together will make for the whole year 20,382 tons. The difference of duties, at \$20, will amount to \$407,640. This extract of duties paid further shows that fifty-seven French vessels, all with cargoes of the aggregate burden of 12,089 tons, paid only for duties \$263,664 66, the tenth part of which paid as foreign duty \$23,969 51, being less than \$2 per ton.

These results, recapitulated, would establish that the discriminating duties in France on American vessels are \$20 per ton, while those on the trade thence in French vessels are \$2 per ton only; and that this year, in the trade from this to French ports, the quantity of shipping to be employed would amount to more than 20,000 tons, the discriminating duties on which in France, estimated at \$20 per ton, would, as was before advanced, more than equal the total amount of duties on goods imported from the same, both in American and French vessels, estimated at \$400,000.

But these comparative estimates will not prove exact during the present and succeeding years; for, while the inordinate importations of French goods last year, as was observed before, reduced they will not be continued hereafter in the same their value here below prime cost, it showed that

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quantity; but the reverse must take place with respect to the exports of cotton and tobacco, which will increase with the extended production of them, and yearly cause a greater disparity between the exporting and importing trade to France.

If the circumstance is reverted to, that the proportion of American vessels loaded this year, and now loading for France, is only as one to four to the number of French, it may be offered as a conclusive proof, considering the inactivity of our shipping, that it has to contend with great disadvantages; for, on fair grounds of competition, your memorialists are bold to assert that neither the vessels of France nor of any other country could obtain a triumph over those navigated by American seamen; neither can it be an argument against them, that French vessels, notwithstanding the foreign duty, have had the largest share of the import trade of goods from France, (at least as regards bulk;) because the disproportion shown to exist between the tonnage used in the exports and imports from this port causes the incipient voyage from France to have no other object than to seek a return freight for the vessels; and, therefore, whenever it happens (as is mostly the case) that the difference of duty is not equivalent to the freight, there is no motive to employ an American vessel.

But the owners of French vessels, not to send them empty, keep the market in this place glutted with all kinds of French things, even sausages, sweetmeats, butter, cheese, shoes, hats, millinery, bricks, tiles, hollow cast iron ware, stone jugs, bottles, and many other articles that are objects of domestic trade or produce in our own country, as good and cheap as they can be brought from any place else. And to give a better idea of the nature of this trade, and to call the attention of your honorable body to the propriety of laying specific duties on some of them, a copy of the manifest of entry of a French ship also accompanies this memorial.

And your memorialists further beg leave to observe that the whole extent of the loss of the carrying trade of the articles of export from this place to France will not be correctly appreciated by that part only that heretofore has gone direct hence to France, for a considerable proportion of the Louisiana cotton and Kentucky tobacco shipped hence to the Eastern ports found its way by that circuitous channel to France; affording double employment to our vessels in the voyage coastwise, and then in the subsequent voyage across the Atlantic.

The loss of both these sources of employment to our ships must, in time, be superadded to that which your memorialists have shown to have existed in preceding years direct from this place. How long the trade, or how much of it, would continue in this circuitous channel, your memorialists are not prepared to say positively, provided our vessels were put upon an equality with French vessels in France; but they believe, from the active coasting trade now arising in lumber, bricks, building stones, lime, hay, oats, candles, soap, cider, salted fish, New England rum, potatoes, furniture,

carriages, saddlery, shoes, cut nails, and other domestic manufactures, that return freight will be so low that, aided by particular circumstances attending the seasons of business and navigation of the river, a great portion of it that now exists, at least, will be continued.

Besides the direct trade to France, it will be seen, by the accompanying tables of entries and clearances of French vessels at this port, that a permanent trade is establishing to their colonies in the West Indies, that is not open, except partially, to the vessels of the United States. Thus, whilst the avenues of French commerce are straitened to our flag within the direct line from our ports to France, and an intolerable and odious duty is levied for the rights of passage to that, a vast and varied career is opened to that of France, secured from competition on our part, where it might exist by discriminating duties, and finding in the English and other European colonies exclusively all the ramifications of profitable trade that can arise from carrying our produce.

An act of Parliament exists, particularly permitting the importation to the British colonies of all articles of provisions, besides salted meat, from all places in America, except from the ports of the United States.

Your memorialists have only taken a partial view of the evils growing out of the cause of complaint they now submit to your honorable body. They have only shown how much the trade from this place is liable to be affected by it, and leave to those better acquainted to say what proportion the 20,000 tons of shipping employed from New Orleans to French ports bears to the whole trade from the United States to France.

The magnitude of this aggregate, when duly ascertained, must no doubt excite the attention of every branch of the General Government, and suggest some expedient to counteract the inordinate selfishness that influenced that of France when it first devised a system that can only exist by being tolerated in the United States, to the inconceivable dereliction of the maintenance of the most important national interest.

A tonnage duty, if made dependent on the nature of the cargo exported from the United States, would strike directly at the object of this memorial: a calculation would show probably that \$15 per register ton on vessels carrying cotton, and \$25 per register ton on those carrying tobacco, would about countervail the present duties laid in France on the same articles imported in American vessels.

Your memorialists will further observe that, throwing the carrying trade from this place to France out of the hands of the American ship-owners naturally influences the trade in the same articles from American merchants into the same channel; the number of French vessels, being continually augmented, bring necessarily their owners in some degree to partake of it; every one tries to push off some articles of goods to gain a freight for his ship, and to pay for cotton and tobacco, instead of furnishing money advances; French commission houses to transact this business are daily mul-

Sick and Disabled Seamen in the Port of New York.

tiplied, and adventurers with their "pacotilles" are daily crowding the port.

This excessive excitement to the consumption of the articles of luxury and fashion from France, as well as the encouragement offered to transient traders, your memorialists conceive cannot be beneficial to the country; they feel too much that French fashion and French feelings are thereby likely to be perpetuated in this newly adopted sister State; and that whilst Americans are denied the rights they ought to possess in France, they will continue to be considered as foreigners in this part of their own country.

And your memorialists will ever pray.

| | |
|---------------------|---------------------|
| Robert Hart, | J. Morgan, |
| Lewis Barnes, | Atkins Adams, |
| Theodore F. Jewett, | Nathaniel Fowler, |
| John S. Davis, | William Rider, |
| James Kennard, | Robt. Davis, |
| James Tibbits, | Geo. G. Jones, |
| Edward Richardson, | Ezekiel Purinton, |
| Robert Rogers, | Isaac Dickinson, |
| Harry Parsons, | Jeremiah Burrows, |
| Thos. Caldwell, | John Lake, |
| Ewd. Hays, | Christoph'r Howard, |
| Nathan Walden, | William Wilson. |

SICK AND DISABLED SEAMEN IN THE PORT OF NEW YORK.

[Communicated to the Senate, January 13, 1820.]

To the honorable the Congress of the United States of America:

The memorial of the Governors of the New York Hospital respectfully sheweth: That your memorialists, as trustees of an institution erected and endowed for the relief only of those indigent and sick for whom no particular charity is provided, have, from sentiments of humanity, and with a confident reliance on the justice of Congress, ventured to appropriate a portion of their funds to the succoring and healing of sick and disabled seamen, for whom they conceived provision had been, or was intended to be, made.

It would appear that, by the act of the 16th July, 1798, which imposes a tax of twenty cents a month on seamen's wages, the Government of the United States engaged and contracted to protect and maintain these hardy citizens, whenever sickness or other disability should render them dependent; and also that, from the circumstance of large sums having been expended in the erection of hospitals, it is manifest the provision must have been adequate to its primary object, as the law appropriates only the surplus to such buildings. Your memorialists, therefore, can perceive no reason why, in the application of this fund, the collector should undertake either to limit the number to be benefited, or to proscribe any particular class of patients.

Soon after the passing the aforementioned act, an agreement was made to receive into the New

York hospital, at the rate of three dollars a week for board, medical attendance, and every other necessary except clothing, all such sick and disabled seamen as were contemplated to be relieved.

In a settlement of this account, in November, 1804, with the collector, your memorialists were surprised to learn that he undertook, and did absolutely refuse, and has continued to refuse, to pay for more than seventy-five seamen at any one time, and has since reduced the number to sixty-five, though considerably more than that number are generally in the hospital. He has also excluded seamen employed in the coasting trade, and such as have only performed the voyage, and has even undertaken to construe the law as not applying to cases of disability resulting from venereal infection, and to exclude from its benefits this class of patients—a distinction this, as your memorialists conceive, that is arbitrary and very oppressive, especially as it respects seafaring men: for those people, in most cases, expend all their wages in paying of men, pretenders to the healing art, before they come to the hospital; and having then no further credit at boarding-houses, and being incapable of serving at sea, they must absolutely perish by that inveterate disease unless they are received into the hospital. It consists with our observation that more than half the seafaring men who have lately applied to the hospital for relief were men who labored under that disease.

Your memorialists, in full faith that the legitimate and professed guardians of sailors would remunerate the expense, and being convinced that Congress intended to provide for all sick and disabled seamen, have, notwithstanding, administered relief unto all those unfortunate objects discarded by the collector; and, feeling repugnant to eject from the doors of their hospital to suffer, and perhaps to perish, men who have contributed so essentially to the prosperity and honor of our country, have humanely restored most of them to health, and secured their usefulness to society.

The funds of your memorialists are now, however, so burdened by the numerous charities they are compelled to administer, and especially in consequence of the large and increasing number of supernumerary seamen beyond what is paid for, that they feel themselves constrained to observe that, unless some provision is made to discharge the existing debt, as also to indemnify them in future, they may be reluctantly compelled to withdraw their charity from this class of patients.

If it is correct that all, or nearly all, the hospital money received at this port has been expended here, your memorialists would then most respectfully ask whether it is consistent with justice or humanity that such numbers of distressed seamen, who have all contributed equally to this fund, should be abandoned to want and misery? Your memorialists presume otherwise, and assuredly believe that the same motives which produced the law of 1798, in regard to this subject, will equally characterize the present Congress, and confidently hope that, if it should appear the sum received here is inadequate to support the sick and disabled seamen constantly found here, such fur-

Application to abolish Privateering in time of War.

ther provision will be made as may be requisite to realize the humane views of Government.

If the demand of your memorialists for maintaining and relieving these improvident sufferers is inquired into, it will appear that the compensation solicited is not only less in every instance, but in some not half of what has been charged in other ports. And if the fund originally created is inadequate to this object, generally, your memorialists then beg leave respectfully to suggest the policy of an addition of ten cents a month to the hospital tax, as both reasonable and necessary. And your memorialists would further respectfully solicit that the proper officer may be directed to audit the accounts for the past, and pay them such sum as may appear to be due.

All which is respectfully submitted.

M. CLARKSON, *President.*

JOHN BURKLEY, *Secretary.*

APPLICATION TO ABOLISH PRIVATEERING IN TIME OF WAR.

[Communicated to the House, January 11, 1820.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the undersigned, citizens of the United States, respectfully represents: That, while they have rejoiced in the privileges of a free people, they have been deeply affected with the multiplied instances of criminal prosecutions, imprisonment, capital convictions, and public executions, which have recently occurred in several States. Your memorialists are far from imputing to defects in the Government of their country all the crimes of their fellow-citizens, and as far from a disposition to attribute the defects of Government to base and criminal intentions on the part of legislators or magistrates. They believe that the best informed men are but partially enlightened, and that men of the best hearts are necessarily liable to the influence of hereditary opinions, prejudices, and customs. But while crimes of the deepest die abound in the land, while our courts of justice and our prisons are thronged with malefactors, your memorialists conceive it to be a duty of all well informed men to search out the causes of these evils, and, when discovered, to represent them for the consideration of their legislators. They also regard it as the duty of legislators to seek the virtue and welfare of their fellow-citizens, and to do all in their power to prevent crimes; not merely by providing for the punishment of criminals, but by the abolition of those customs or practices by which men are naturally led into the paths of vice and ruin. Among the many atrocious offences of the present day, highway robbery, piracy, and murder, frequently occur. The melancholy scenes of public executions which have been witnessed in several of the United States, have justly excited reflection and inquiry; and, in searching for the causes of those crimes for which so many fellow beings have been sentenced to the gallows, your

memorialists have been impressed with a belief that much may justly be imputed to the practice of privateering in time of war.* They are aware that this practice has long been sanctioned by all the maritime Powers of Christendom, but they cannot, on that account, regard it as the less to be deplored or the less to be abhorred. It is in their view of the same character with the practice of the States of Barbary, for which the people of those regions are reproached as piratical barbarians.

In the course of the late war between Great Britain and the United States, many thousands of people were licensed by the two Governments to commit just such acts of injustice, depredation, and violence, as those for which pirates are hanged in time of peace. They were commissioned to capture, rob, or destroy, the property of innocent merchants, and, in case of resistance, to maim or murder innocent seamen while pursuing their lawful occupations. In this way hundreds of merchants in the two countries were unjustly despoiled of their property, many of them ruined, and their families reduced to poverty, wretchedness, and despair. The number of seamen who lost their lives in consequence of these licensed depredations was doubtless very considerable.

It is impossible for your memorialists to conceive how such deeds of rapine and violence can be reconciled to the principles of justice or humanity, when done by privateersmen, any more than when done by unauthorized pirates. The injustice and injury to the innocent sufferers are the same in both cases, and in both the motives and dispositions of the perpetrators may be the same.

As in the business of privateering all the odious passions of human nature are licensed—as the youth of our country become associated with desperate and unprincipled men let loose from every moral restraint—what better can reasonably be expected than that many of them will, after the close of the war, follow the trade to which they had been educated? When thousands of our citizens have served an apprenticeship in such an employment, can it be wonderful if hundreds of them become pirates or highway robbers? And if they become hardened in iniquity, inured to crime, and ruined by the education which they thus receive, at whose hands will their blood be required? This is a question which, in the opinion of your memorialists, deserves the serious consideration of every legislator, every magistrate, and every citizen of the United States. However necessary it may be, in the present state of society, to inflict capital punishments on piratical offenders, still philanthropy must weep and humanity recoil at the thought of taking the lives of men for crimes to which they have been trained up by the Government, and by the authorized customs of their country.

In this age of improvement it will generally be

* If we may credit the narratives of the four pirates who were executed in Boston, February 18, 1819, they had all been concerned in privateering, or State piracy; not all, however, by license from our Government.

Application to abolish Privateering in time of War.

admitted in theory, that rulers should ever exercise a tender and parental care towards their subjects, do all in their power to cause them to be educated in the paths of benevolence and virtue, and to preserve them from the snares of vice, and the influence of contaminating customs. Punishments are not the only nor the most effectual means of preventing crimes or saving men from vice. A virtuous education is infinitely preferable to sanguinary laws, as a means of preserving men from those crimes which are usually punished with death; and no laws, however severe, can reasonably be expected to prevent crimes, while such schools of depravity and licentiousness as those of privateering are sanctioned by public authority. It is, therefore, believed by your memorialists, that the principles of justice, humanity, religion, and sound policy, all unite in demanding the abolition of such seminaries of crime.

It is a gratifying fact that, in the infancy of the American Government, an attempt was made by our rulers to effect by treaties the very object of the present memorial. As early as 1785, the celebrated philosopher, Dr. Franklin, in a letter to a friend,* observed, that "the United States, though better situated than any other nation to profit by privateering, are, as far as in them lies, endeavoring to abolish the practice, by offering, in all their treaties with other Powers, an article, engaging solemnly that, in case of a future war, no privateer shall be commissioned on either side, and that unarmed merchant ships on both sides shall pursue their voyages unmolested." This humane effort on the part of the American Government, at so early a period, affords encouragement to your memorialists that Congress will listen with pleasure to a proposition for abolishing a practice which has justly been termed "a remnant of ancient piracy," and which has for ages been a disgrace to civilized nations, and the abhorrence of good men.

Though the magnanimous proposition formerly made was not generally adopted by other Governments, yet your memorialists are of opinion that the people of Europe are more enlightened than they were thirty-five years ago, and that there is much reason to believe that a similar proposition at this period would meet the approbation of nearly all the Powers of Christendom. To repeat or renew a proposition so philanthropic and humane, will not by enlightened men be regarded as be-

neath the dignity of any Government on earth; and, as the proposition probably originated in the United States, your memorialists have a strong desire that their own Government should have the honor of reviving it, and of pursuing the object till it shall have been completely accomplished.

Barbarians and unprincipled politicians might find a motive for continuing the practice in the circumstance mentioned by Dr. Franklin, that "the United States are better situated than any other nation to profit by privateering." But can the enlightened legislators of this country deem it proper to "do evil that good may come?" Can any considerations of profit induce them to continue a practice so palpably unjust in its nature and operations, so ruinous to the morals of their fellow-citizens, and which furnishes such a multitude of convicts for the State prisons and the gallows?

During a time of general peace it may naturally be expected that the rulers of Christendom will more impartially examine the subject, if proposed to them, than in a time when their passions are excited by war. The present state of the world is, therefore, deemed favorable for accomplishing the object of this memorial.

In regard to the best course for abolishing the practice in question, your memorialists would not undertake to prescribe, but confide in the wisdom of their Representatives in Congress. They have no fear that any method will be adopted to effect the abolition of privateering, which can more endanger the best interests of the country than a continuance of the custom. They, however, most respectfully and fervently pray that Congress would devise and adopt some plan which shall free our nation from the reproach of being supporters of a practice which every enlightened mind must deprecate and abhor.

The undersigned beg leave to close their memorial to the honorable Legislature of the United States in the words of Dr. Franklin, on the same subject: "This will be a happy improvement in the law of nations. The humane and the just cannot but wish success to the proposition."

PLAINFIELD, MASS., Dec. 27, 1819.

At an annual meeting of the Plainfield Peace Society, voted unanimously that this memorial be signed by the president and secretary, and presented to the Congress of the United States.

MOSES HALLECK, *Pres't.*
JACOB PORTER, *Sec'ry.*

* Benjamin Vaughan, Esquire.

SEC. 2. *And be it further enacted*, That all processes which may have issued, or may hereafter issue, returnable to the next succeeding terms as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, February 10, 1820.

An Act making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for furnishing the President's House, and the erection of two new Executive offices.

Be it enacted, &c., That, for the purpose of supplying the deficiency in the appropriations heretofore made, for completing the repairs of the north and south wings of the Capitol, for finishing the President's house, and the erection of two new Executive offices, the following sums be, and the same are hereby, respectively appropriated, that is to say :

For completing the repairs of the north and south wings of the Capitol, the sum of seventy-five thousand dollars.

For finishing the President's house, the sum of thirteen thousand one hundred and seventy-four dollars and sixty-six cents.

For erecting two new Executive offices, the sum of eleven thousand and fifteen dollars and seventy-one cents.

SEC. 2. *And be it further enacted*, That the said several sums be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, February 10, 1820.

An Act to provide for obtaining accurate statements of the foreign commerce of the United States.

Be it enacted, &c., That the Register of the Treasury shall, under the direction of the Secretary of the Treasury, annually prepare statistical accounts of the commerce of the United States with foreign countries, for each preceding year; which accounts shall be laid before Congress, by the Secretary of the Treasury, on the first Monday in December in every year, or as soon after as possible.

SEC. 2. *And be it further enacted*, That such accounts shall comprehend and state all goods, wares, and merchandise, exported from the United States to other countries; all goods, wares, and merchandise, imported into the United States from other countries; and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

SEC. 3. *And be it further enacted*, That the kinds, quantities, and values, of all articles exported, and the kinds, quantities, and values, of all articles imported, shall be distinctly stated in such accounts; except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values, of any particular article would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or

in such classes as the Secretary of the Treasury may think fit.

SEC. 4. *And be it further enacted*, That the exports shall be so stated, as to show the exports to each foreign country, and their values; and that the imports shall be so stated, as to show the imports from each foreign country, and their values.

SEC. 5. *And be it further enacted*, That the exports shall be so stated, as to show separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

SEC. 6. *And be it further enacted*, That the navigation employed in the foreign trade of the United States, shall be stated in such manner, as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation: and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country, with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels: and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and, also, the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation: and, in such manner, as also to show the amount of the tonnage of all vessels arriving from every particular foreign country, with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

SEC. 7. *And be it further enacted*, That the kinds and quantities of all imported articles free from duty shall be ascertained by entry made upon oath or affirmation by the owner, or by the consignee or agent of the importer; or by actual examination, where the collector shall think such examination necessary: and that the values of all such articles shall be ascertained in the same manner, in which the values of imports subject to duties ad valorem are ascertained.

SEC. 8. *And be it further enacted*, That the values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

SEC. 9. *And be it further enacted*, That the collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem, as may be directed by the Secretary of the Treasury.

SEC. 10. *And be it further enacted*, That all

articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States, from which they are exported: and that all articles imported shall be valued at their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

SEC. 11. *And be it further enacted*, That, before a clearance shall be granted for any vessel bound to a foreign place, the owners, shippers, or consignors, of the cargo on board of such vessel, shall deliver to the collector manifests of the cargo, or the parts thereof, shipped by them respectively, and shall verify the same by oath or affirmation; and such manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and such oath or affirmation shall state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation; and, before a clearance shall be granted for any such vessel, the master of every such vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath or affirmation, to the collector, the foreign place or country in which such cargo is truly intended to be landed; and the said oath or affirmation shall be taken and subscribed in writing.

SEC. 12. *And be it further enacted*, That every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

SEC. 13. *And be it further enacted*, That the several collectors shall make quarter yearly returns to the Register of the Treasury, of all the facts and matters which they are hereby required to ascertain.

SEC. 14. *And be it further enacted*, That the Secretary of the Treasury shall give such directions to the collectors, and prescribe such rules and forms to be observed by them, as may appear to him proper for attaining the objects of this act: *Provided*, That such directions or rules shall not be contrary to the provisions of any law of the United States.

SEC. 15. *And be it further enacted*, That the forms of the annual statements hereby required shall be determined by the Secretary of the Treasury, who shall prescribe such forms as may be proper to exhibit the facts hereby required to be stated in the clearest manner, and to show the actual state of commerce and navigation between the United States and foreign countries in each year.

SEC. 16. *And be it further enacted*, That this act shall be in force from the 30th day of September next.—[Approved, February 10, 1820.]

An Act for the admission of the State of Maine into the Union.

Whereas, by an act of the State of Massachusetts, passed on the nineteenth day of June, in the year one thousand eight hundred and nineteen, entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State," the people of that part of Massachusetts heretofore known as the District of Maine, did, with the consent of the Legislature of the said State of Massachusetts, form themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act—Therefore,

Be it enacted, &c., That, from and after the fifteenth day of March, one thousand eight hundred and twenty, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Approved, March 3, 1820.

An Act to remit the duties on the statue of George Washington.

Be it enacted, &c. That the duties which have accrued, or may accrue, to the United States, upon the importation of a statue of George Washington, by order and for the use of the State of North Carolina, be, and they are hereby, remitted.

Approved, February 24, 1820.

An Act further to extend the Charter of the City of Washington.

Be it enacted, &c., That the act, entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia," and the act supplementary to the same, passed on the twenty-fourth of February, one thousand eight hundred and four, and the act entitled "An act further to amend the charter of the City of Washington," be, and the same are hereby, extended to the third day of March, one thousand eight hundred and twenty-one, unless sooner repealed.

Approved, February 28, 1820.

An Act altering the place of holding the circuit and district court in the district of Ohio.

Be it enacted, &c., That the circuit court in and for the district of Ohio shall, from and after the passage of this act, be held at Columbus, in said district, on the first Mondays of September and January, in each and every year; and that all causes, actions, suits, process, pleadings, and other proceedings, of every description, that are, or shall be, existing or depending in the said circuit court shall be continued over and returnable to the said circuit court, to be held at Columbus as aforesaid, and shall be proceeded with in due form of law.

SEC. 2. *And be it further enacted*, That the district court, in and for the district of Ohio, shall, from and after the passage of this act, be held at Columbus, in said district, on the second Mondays of September and January, each and every year; and

that all causes, actions, suits, process, pleadings, and other proceedings of every description, that are or shall be existing or depending in the said district court, shall be continued over and returnable to the said district court, to be holden at Columbus as aforesaid, and shall be proceeded with in due form of law.

Approved, March 4, 1820.

An Act to continue in force for a further time the act entitled "An act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was, by subsequent acts, continued in force until the first day of March, one thousand eight hundred and twenty, shall be, and the same is hereby, further continued in force until the third day of March, one thousand eight hundred and twenty-one, and no longer.

Approved, March 4, 1820.

An Act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories.

Be it enacted, &c., That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an equal footing with the original States, in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence, west, along that parallel of latitude to the St. François river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence, west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence, east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down, and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of Mississippi river;

thence, down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning: *Provided,* The said State shall ratify the boundaries aforesaid: *And provided, also,* That the said State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said State, so far as the said rivers shall form a common boundary to the said State; and any other State or States, now or hereafter to be formed and bounded by the same, such rivers to be common to both; and that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State.

SEC. 3. *And be it further enacted,* That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said Territory three months previous to the day of election, and all other persons qualified to vote for representatives to the General Assembly of the said Territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention, who shall be apportioned amongst the several counties, as follows:

From the county of Howard, five representatives. From the county of Cooper, three representatives. From the county of Montgomery, two representatives. From the county of Pike, one representative. From the county of Lincoln, one representative. From the county of St. Charles, three representatives. From the county of Franklin, one representative. From the county of St. Louis, eight representatives. From the county of Jefferson, one representative. From the county of Washington, three representatives. From the county of St. Genevieve, four representatives. From the county of Madison, one representative. From the county of Cape Girardeau, five representatives. From the county of New Madrid, two representatives. From the county of Wayne, and that portion of the county of Lawrence that falls within the boundaries herein designated, one representative.

And the election for the representatives aforesaid shall be holden on the first Monday, and two succeeding days of May next, throughout the several counties aforesaid in the said Territory, and shall be in every respect held and conducted in the same manner, and under the same regulations, as is prescribed by the laws of the said Territory regulating elections therein, for members of the General Assembly, except that the returns of the election in that portion of Lawrence county included in the boundaries aforesaid, shall be made to the county of Wayne, as is provided in other cases under the laws of said Territory.

SEC. 4. *And be it further enacted,* That the members of the convention thus duly elected, shall be, and they are hereby, authorized to meet at the seat of government of said Territory, on the second Monday of the month of June next; and the said

convention, when so assembled, shall have power and authority to adjourn to any other place in the said Territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and State government for the people within the said Territory, as included within the boundaries above designated; and, if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said Territory, within the boundaries aforesaid, a constitution and State government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to the Constitution of the United States; and that the Legislature of said State shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers; and that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 5. *And be it further enacted*, That, until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township for the use of schools.

Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State, for the use of said State, the same to be selected by the Legislature of the said State, on or before the first day of January, in the year one thousand eight hundred and twenty-five, and the same, when so selected, to be used under such terms, conditions, and regulations, as the Legislature of said State shall direct: *Provided*, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the Legislature shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Third. That five per cent. of the net proceeds of the sale of lands lying within the said Territory, or State, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said State.

Fourth. That four entire sections of land be, and the same are hereby, granted to the said State, for the purpose of fixing their seat of government thereon, which said sections shall, under the direction of the Legislature of said State, be located, as near as may be, in one body, at any time, in such townships and ranges as the Legislature aforesaid may select, on any of the public lands of the United States: *Provided*, That such locations shall be made prior to the public sale of the lands of the United States surrounding such location.

Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of said State, to be appropriated solely for the use of such seminary by the said Legislature: *Provided*, That the five foregoing propositions herein offered, are on the condition that the convention of the said State shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents respectively.

SEC. 7. *And be it further enacted*, That, in case a constitution and State government shall be formed for the people of the said Territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution, or frame of State government, as shall be formed or provided, to be transmitted to Congress.

SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping

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into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services as aforesaid.

Approved, March 6, 1820.

An Act in addition to an act, entitled "An act regulating the Post Office Establishment."

Be it enacted, &c., That, during the present and every subsequent session of Congress, all letters and packets to and from the President of the Senate *pro tempore*, and the Speaker of the House of Representatives, for the time being, shall be received and conveyed by mail, free of postage, under the same restrictions as are provided by law with respect to letters and packets to and from the Vice President of the United States.

Approved, March 13, 1820.

An Act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes.

Be it enacted, &c., That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Missouri, Michigan, and Arkansas, respectively, shall be, and they are hereby, authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken, omitting, in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing, also, the sexes and colors of free persons, and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; and those of forty-five and upwards; and, also, distinguishing free females under ten years of age; those of ten and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; and those of forty-five and upwards; and also distinguishing the number of persons engaged in agriculture, commerce, and manufactures, respectively. For effecting which the marshals aforesaid shall have power, and they are hereby, respectively, authorized and required, to appoint one or more assistants in each county and city, in their respective districts and territories, residents of the county and city for which they shall be appointed, and shall assign a certain division to each of the said assistants, which division shall not consist of more than one county or city, but may include one or more towns, townships, wards, hundreds, or parishes, plainly and distinctly bounded by water courses, mountains, public roads, or other monuments. And the said enumeration shall be made by an actual inquiry at every dwelling-house, or of the head of every family, and not otherwise. The marshals and their assistants shall, respectively, take an oath or affirmation before some judge or justice of the

peace, resident within their respective districts or territories, before they enter on the duties required by this act. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district of —, do solemnly swear, (or affirm,) that I will well and truly cause to be made a just and perfect enumeration and description of all persons resident within my district, (or territory,) and also an account of the manufactures, except household manufactures, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entitled 'An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A B, do solemnly swear, (or affirm,) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the marshal of —, and, also, an account of the manufactures, except household manufactures, and make due return thereof to the said marshal, agreeably to the directions of the act of Congress, entitled 'An act to provide for taking the fourth census or enumeration of the inhabitants of the United States,' and for other purposes," according to the best of my abilities." The enumeration shall commence on the first Monday of August, in the year one thousand eight hundred and twenty, and shall close within six calendar months thereafter. The several assistants shall, within the said six months, transmit to the marshals, by whom they shall respectively be appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, city, town, township, ward, or parish, the several families, by the names of their master, mistress, steward, overseer, or other principal person therein, in the manner following: The number of persons within my division, consisting of —, appears in a schedule hereto annexed, subscribed by me this — day of —, in the year one thousand eight hundred and twenty. A B, assistant to the marshal of —.

Schedule of the whole number of persons within the division allotted to A B:

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| Name of the county, parish, township, town, or city, where the family resides. |
| Names of heads of families. |
| Free white males under ten years. |
| Free white males of ten and under sixteen. |
| Free white males between sixteen and eighteen. |
| Free white males of sixteen and under twenty-six, including heads of families. |
| Free white males of twenty-six and under forty-five, including heads of families. |
| Free white males of forty-five and upwards, including heads of families. |
| Free white females under ten years of age. |
| Free white females of ten and under sixteen. |
| Free white females of sixteen and under twenty-six, including heads of families. |

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| Free white females of twenty-six and under forty-five, including heads of families. |
| Free white females of forty-five and upwards, including heads of families. |
| Foreigners not naturalized. |

SLAVES.

| |
|---|
| Males under fourteen. |
| Males of fourteen and under twenty-six. |
| Males of twenty-six and under forty-five. |
| Males of forty-five and upwards. |
| Females of fourteen. |
| Females of fourteen and under twenty-six. |
| Females of twenty-six and under forty-five. |
| Females of forty-five and upwards. |

FREE COLORED PERSONS.

| |
|--|
| Males under fourteen years. |
| Males of fourteen and under twenty-six. |
| Males of twenty-six and under forty-five. |
| Males of forty-five and upwards. |
| Females under fourteen years. |
| Females of fourteen and under twenty-six. |
| Females of twenty-six and under forty-five. |
| Females of forty-five and upwards. |
| All other persons, except Indians not taxed. |

SEC. 2. *And be it further enacted,* That every assistant failing or neglecting to make a proper return, or making a false return of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section of this act.

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, and, also, an attested copy of the aggregate amount hereinafter directed, to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts, or superior courts, (as the case may be,) who are hereby directed to receive, and carefully to preserve the same. And the marshals, respectively, shall, on or before the first day of April, in the year one thousand eight hundred and twenty-one, transmit to the Secretary of State the aggregate amount of each description of persons within their respective districts or territories. And every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars, which forfeitures shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts held within the same, by action of debt, information, or indictment; the one-half thereof to the use of the United States and the other half to the informer;

but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And, for the more effectual discovery of such offences, the judges of the several district courts, in the several districts, and of the Supreme Courts in the Territories of the United States, as aforesaid, at their next session, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount to be laid before them for inspection.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar will be insufficient for one hundred persons, the marshals, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation: *Provided,* The same does not exceed one dollar and twenty-five cents for every fifty persons by them returned: *Provided, further,* That before any assistant, as aforesaid, shall be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace authorized to administer the same, to wit: I, A B, do solemnly swear, or affirm, that the number of persons set forth in the return made by me, agreeably to the provisions of the act, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes," have been ascertained by an actual inquiry at every dwelling-house, or of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act to the best of my abilities, and that the return aforesaid is correct and true, according to the best of my knowledge and belief. The several marshals shall receive as follows: The marshal of the District of Maine, two hundred and fifty dollars; the marshal of the district of New Hampshire, two hundred and fifty dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred and fifty dollars; the marshal of the southern district of New York, two hundred and fifty dollars; the marshal of the northern district of New York, two hundred and fifty dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the eastern district of Pennsylvania, three hundred dollars; the marshal of the western district of Pennsylvania, two hundred dollars; the

marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the eastern district of Virginia, three hundred dollars; the marshal of the western district of Virginia, two hundred dollars; the marshal of the district of Kentucky, three hundred dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, three hundred dollars; the marshal of the district of East Tennessee, one hundred and fifty dollars; the marshal of the district of West Tennessee, one hundred and fifty dollars; the marshal of the district of Ohio, three hundred dollars; the marshal of the district of Indiana, two hundred dollars; the marshal of the district of Illinois, one hundred and fifty dollars; the marshal of the district of Mississippi, one hundred and fifty dollars; the marshal of the district of Louisiana, one hundred and fifty dollars; the marshal of the district of Alabama, one hundred and fifty dollars; the marshal of the District of Columbia, fifty dollars; the marshal of the Missouri Territory, one hundred dollars; the marshal of the Michigan Territory, one hundred dollars; the marshal of the Arkansas Territory, one hundred dollars.

SEC. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family, on the said first Monday in August, one thousand eight hundred and twenty, shall be returned as of such family; and the name of every person who shall be an inhabitant of any district or territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first Monday in August; and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or territory, made or established within the United States, shall be, and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered, in an action of debt, by such assistant; the one half to his own use, and the other half to the use of the United States.

SEC. 7. *And be it further enacted*, That each and every assistant, previous to making his return to the marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars: *Provided*, Proof of

the schedule having been set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons, and in case any assistant shall fail to make such proof to the marshal as aforesaid, he shall forfeit the compensation allowed him by this act.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be and hereby is authorized and required to transmit to the marshals of the several districts and territories, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein, of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration.

SEC. 9. *And be it further enacted*, That in those States composing two districts, and where part of a county may lie in each district, such county shall be considered as belonging to that district in which the court-house of said county may be situate.

SEC. 10. *And be it further enacted*, That it shall be the duty of the several marshals and their assistants, at the time of taking the said census, to take, under the direction of the Secretary of State, and according to such instructions as he shall give, and such forms as he shall prescribe, an account of the several manufacturing establishments, and their manufactures, within their several districts, territories, and divisions: the said assistants shall make return of the same to the marshals of their respective districts or territories; and the said marshals shall transmit the said returns, and abstracts thereof, to the Secretary of State, at the same time at which they are, by this act, required, respectively, to make their returns to the Secretary of State; for the performance of which additional service, they shall respectively receive, as compensation therefor, not exceeding twenty per centum in addition to the sums allowed by this act, to be apportioned in proportion to the services rendered, under the direction of the Secretary of State.

SEC. 11. *And be it further enacted*, That in all cases where the superficial content of any county or parish shall exceed forty miles square, and the number of inhabitants in said parish or county shall not exceed two thousand five hundred, the marshal or assistants shall be allowed, with the approbation of the judges of the respective districts or territories, such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed three dollars for every fifty persons by them returned.

SEC. 12. *And be it further enacted*, That when the aforesaid enumeration shall be completed, and returned to the office of the Secretary of State, by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of the Congress, fifteen hundred copies thereof.

Approved, March 14, 1820.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That, for defraying the expenses of the Navy, for the year one thousand eight hundred and twenty, the following sums be and the same are hereby respectively appropriated :

For pay and subsistence of the officers, and pay of the seamen, nine hundred and eighty-nine thousand three hundred and twenty dollars.

For provisions, four hundred and fifteen thousand one hundred and eighty-seven dollars.

For medicines, hospital stores, and all expenses on account of the sick, including the marine corps, thirty-six thousand dollars.

For repairs of vessels, four hundred and eighty-four thousand dollars.

For store rent, freight, transportation, enlistment of seamen, and all other contingent expenses, two hundred and forty thousand dollars.

For improvement of navy yards, docks, and wharves, pay of superintendents, store-keepers, clerks, and laborers, one hundred thousand dollars.

For payment of contracts made for shells and shot, and for military stores, fifty thousand dollars.

For pay and subsistence of the marine corps, one hundred and seventy-seven thousand two hundred and twenty-eight dollars.

For clothing the same, twenty-seven thousand two hundred and five dollars.

For contingent expenses of the same, twenty thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 17, 1820.

An Act to authorize the President of the United States to appoint a Receiver of the public moneys and Register of the land office for the district of Lawrence county, in the Arkansas Territory.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to appoint a Receiver of the public moneys and Register of the land office, for the district of Lawrence county, in the Arkansas Territory.

SEC. 2. *And be it further enacted,* That any person having a claim to a right of pre-emption within the said district, shall make known his claim and location, according to the provisions of the laws now in force, to the Register, at least six weeks before the time to be designated by the President of the United States for issuing patents to the soldiers of the late army, entitled to bounty land in said district.

Approved, March 17, 1820.

An Act establishing a Circuit Court within and for the District of Maine.

Be it enacted, &c., That, from and after the passing

of this act, the districts of Rhode Island, Massachusetts, New Hampshire, and Maine, shall constitute the first circuit; and, in addition to the circuit courts now holden in said circuit, there shall be holden annually two circuit courts within and for said District of Maine, by the Justice of the Supreme Court residing in said circuit, and by the District Judge of Maine, at the times and places following, viz: One session of said court shall commence and be holden at Portland, in said district, on the eighth day of May; and the other at Wiscasset, in said district, on the eighth day of October; and when either of said days shall happen to be Sunday, the session shall commence on the day next following; and when only one of the judges hereby directed to hold the said circuit courts shall be able to attend, such circuit courts may be held by the judge so attending.

SEC. 2. *And be it further enacted,* That all acts, and parts of acts, granting said District Court of Maine the powers and jurisdiction of a circuit court of the United States be and the same are hereby repealed.

SEC. 3. *And be it further enacted,* That the Circuit Court by this act established in and for the District of Maine, shall have power to, and may, at its first session, take cognizance of, and proceed to act upon, hear, and decide, all actions, causes, pleas, processes, matters, and things, which have originated in the said District Court, and which would by law be cognizable, and be heard and determined by the Circuit Court to be holden in the District of Massachusetts, if this act had never been made and passed.

SEC. 4. *And be it further enacted,* That those causes which have originated as aforesaid, in said District Court, and have been entered at the Circuit Court in the District of Massachusetts, and are now pending therein, on error, appeal, or otherwise, shall be transferred to the Circuit Court by this act established, and entered on the docket of the same at its first session, in order that the said causes may be heard and decided therein in the manner provided by the third section of this act.

Approved, March 30, 1820.

An Act further to suspend, for a limited time, the sale or forfeiture of lands, for failure in completing the payment thereon.

Be it enacted, &c., That the operation of the sixth condition of the fifth section of the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river,'" be, and the same is hereby, suspended until the thirty-first day of March, one thousand eight hundred and twenty-one, in favor of the purchasers of public lands, at any of the land offices of the United States: *Provided,* That the benefit of this act shall not be extended to any one purchaser for a greater quantity than six hundred and forty acres.

Approved, March 30, 1820.

An Act for apportioning the Representatives in the Seventeenth Congress, to be elected in the States of Massachusetts and Maine, and for other purposes.

Be it enacted, &c., That, in the election of Representatives in the Seventeenth Congress, the State of Massachusetts shall be entitled to choose thirteen Representatives only; and the State of Maine shall be entitled to choose seven Representatives, according to the consent of the Legislature of the said State of Massachusetts, for this purpose given, by their resolve, passed on the twenty-fifth day of January last, and prior to the admission of the State of Maine into the Union.

SEC. 2. *And be it further enacted,* That, if the seat of any of the Representatives in the present Congress, who were elected in and under the authority of the State of Massachusetts, and who are now inhabitants of the State of Maine, shall be vacated by death, resignation, or otherwise, such vacancy shall be supplied by a successor, who shall, at the time of his election, be an inhabitant of the State of Maine.

Approved, April 7, 1820.

An Act making appropriations for the support of Government, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, three hundred and eighty-four thousand and ten dollars.

For the expenses of stationery, fuel, printing, and all other contingent and incidental expenses of both Houses of Congress, forty-five thousand dollars.

For the expenses of the Library of Congress, including the librarian's allowance, one thousand nine hundred and fifty dollars.

For the purchase of books, maps, and charts, for the Library of Congress, two thousand dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of 20th April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said Department, including the messenger to the Patent Office, nine hundred and sixty dollars.

For the contingent and incidental expenses of said Department, including expenses of printing and distributing copies of the laws of the first session of the Sixteenth Congress, thirty-four thousand four hundred and fifty dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of

the Secretary of the Treasury, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.

For compensation to messengers in said office, seven hundred and ten dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in said office, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, twenty-eight thousand six hundred dollars.

For compensation to the messengers in said office, seven hundred and ten dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For three clerks to complete the duties of the Commissioner of the Revenue, three thousand seven hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of said Treasurer, per act of twentieth April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to the two additional clerks in the office of the said Treasurer, during the present year, one thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of said Commissioner, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the said Register, per act of twentieth April, one thousand eight hundred and eighteen, and including two hundred dollars to correct an error in stating the total sum, for one thousand eight hundred and nineteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, including the allowance for stamping ships' registers, five hundred dollars.

For compensation to the secretary to the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters, for expense of translating foreign languages in the office of the Secretary of the Treasury, for stationery, printing, fuel, and all other contingent and incidental expenses in the Treasury Department, and the several offices therein, forty-three thousand seven hundred and fifty dollars.

For compensation to a superintendent, and four watchmen, employed for the security of the State and Treasury buildings, and for repairs of engines, hose, and fire buckets, and for the purchase of a small fire engine, for the State Department, two thousand five hundred and sixty-eight dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the War Department, per act of twentieth April, one thousand eight hundred and eighteen, twenty-five thousand eight hundred dollars.

For expense of fuel, stationery, printing, and other contingent expenses, in said department, five thousand dollars.

For maps, plans, books, and instruments, one thousand dollars.

For compensation to the messengers in said department, seven hundred and ten dollars.

For compensation to the Paymaster General, two thousand five hundred dollars.

For compensation to the clerks in the office of the said Paymaster, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For his compensation for the year one thousand eight hundred and nineteen, no appropriation having been made for that year, three thousand dollars.

For compensation to the clerks in the office of said Commissary, two thousand eight hundred dollars.

For compensation to the messenger in said office, three hundred and sixty dollars.

For the contingent expenses of said office, nine hundred and thirty dollars.

For compensation to the clerks in the office of the Adjutant and Inspector General, per act of twentieth April, one thousand eight hundred and eighteen, two thousand one hundred and fifty dollars.

For the contingent expenses of said office, one thousand two hundred dollars.

For compensation to the clerks in the office of the Ordnance Department, per act of twentieth April, one thousand eight hundred and eighteen, two thousand nine hundred and fifty dollars.

For the contingent expenses of said office, seven hundred and sixty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For the contingent expenses of said office, one thousand three hundred and fifty dollars.

For compensation to the clerks in the office of the Engineer department, two thousand one hundred and fifty dollars.

For expenses of maps, books, and stationery, two thousand five hundred dollars.

For compensation to the clerk in the office of the Surgeon General, one thousand one hundred and fifty dollars.

For contingent expenses of said office, five hundred and five dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Navy, per act of twentieth April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to an extra clerk in the Navy Department, during part of the year eighteen hundred and nineteen, three hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For contingent expenses of said office, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the secretary to said Commissioners, two thousand dollars.

For compensation to the clerks in the office of said Commissioners, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For additional clerks, for the year one thousand eight hundred and twenty, in said office, four thousand dollars.

For compensation to the messenger, four hundred and ten dollars.

For the contingent expenses, two thousand dollars.

For compensation to the superintendent, and four watchmen, employed for the security of the War and Navy buildings, and for repairs of engines, hose, and fire buckets; and for the purchase of a small fire engine, two thousand two hundred and sixty-eight dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to the messengers in said office, six hundred and sixty dollars.

For the contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, two thousand one hundred dollars.

For compensation to the surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of Public Buildings, at Washington City, two thousand dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages of persons employed in the different operations of the Mint, nine thousand and fifty dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage of the Mint, eight thousand one hundred dollars.

For compensation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Arkansas Territory, including arrearages for the year one thousand eight hundred and nineteen, nine thousand and seventy-two dollars, and twenty-nine cents.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For printing and distributing the laws of the

Michigan Territory, twelve hundred and fifty dollars.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-seven thousand one hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of said Attorney General, per act of twentieth April, one thousand eight hundred and eighteen, eight hundred dollars.

For compensation to sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, nine thousand dollars.

For compensation to the Marshal of the Western District of Pennsylvania, for his services, from the twentieth of April, one thousand eight hundred and eighteen, to the twentieth of April, one thousand eight hundred and nineteen, two hundred dollars.

For compensation to the District Attorney of the same District, for the same time, two hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court of the United States, one thousand dollars, to be paid upon the conditions prescribed in the act to provide for reports of the decisions of the Supreme Court, passed March third, one thousand eight hundred and seventeen.

For the payment of sundry pensions, granted by the late and present Governments, one thousand six hundred and seventy dollars.

For a deficiency in the fund for the relief and protection of sick and disabled seamen, as established by the act of third May, one thousand eight hundred and two, eighty-one thousand three hundred and nineteen dollars, and thirty-four cents.

For completing the contracts for constructing the road from Washington, Pennsylvania, to Wheeling, made during the year one thousand eight hundred and seventeen, one hundred and forty-one thousand dollars.

For surveying the public lands of the United States, one hundred and sixty thousand dollars.

For additional compensation to the clerks in the office of the Superintendent General of Indian Trade, per act of twentieth April, one thousand eight hundred and eighteen, four hundred and fifty dollars.

For payment of balances due to sundry individuals, relative to prisoners of war, eleven thousand eight hundred and twenty-eight dollars and eighty-one cents.

For defraying the expense of the fourth enumeration of the inhabitants of the United States, two hundred and forty thousand dollars.

For discharging the claims of the inhabitants of the late province of West Florida, now included within the States of Louisiana, or Mississippi, for advances made for the use and benefit of the Uni-

ted States, prior to and since the taking possession of the said portion of the said late province of West Florida by the United States, as liquidated by the State Department, including principal and interest, twenty-four thousand two hundred and thirty-one dollars fifty-three cents.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs and improvements, and contingent expenses; and including the balances of former appropriations for erecting lighthouses at Cape Lookout, Sapelo Island, Cumberland Island, and on Tybee, which were carried to the surplus fund, on the thirty-first of December last, one hundred and twenty thousand eight hundred and sixty-three dollars.

For the payment of outstanding debentures, for internal duties, twenty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the third payment to John Trumbull, for paintings, agreeably to his contract with the Secretary of State, made in pursuance of a resolution of Congress of the sixth of February, one thousand eight hundred and seventeen, six thousand dollars.

For salaries to the Ministers to the United States at London, Paris, St. Petersburg, Rio Janeiro, and Madrid; with the salaries of their several Secretaries of Legation, and the salary of a *Chargé des Affaires* at Stockholm and the Hague, and for the salaries for the late Ministers at Madrid and Rio Janeiro, during six months of the year one thousand eight hundred and nineteen, and for the usual allowance of three months' salary to those Ministers, payable on their return home, seventy-seven thousand five hundred dollars.

For outfits of a Minister to St. Petersburg, nine thousand dollars.

For contingent expenses of those missions, ten thousand dollars.

For the contingent expenses of foreign intercourse, thirty thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-two thousand dollars.

For the expenses during the present year, for carrying into effect the fifth, sixth, and seventh articles of the treaty of peace concluded with His Britannic Majesty on the twenty-fourth of December, one thousand eight hundred and fourteen, including the compensation of the commissioners and surveyors, and an agent appointed under the fifth article of the said treaty, and their contingent expenses, forty-seven thousand three hundred and thirty-three dollars and thirty-two cents.

For the purpose of holding treaties with the Creek and Cherokee tribes of Indians, for extinguishment of the Indian title to all the lands within the State of Georgia, pursuant to the fourth condition of the first article of the Articles of Agreement and Cession, concluded between the United States and the State of Georgia, on the twenty-fourth day of April, one thousand eight hundred and two, the sum of thirty thousand dol-

lars. And for the purpose of procuring a further extinguishment of Indian title within the Territory of Michigan, the sum of twenty thousand dollars.

For the purpose of negotiating a treaty or treaties with the Indians in the State of Mississippi, for the extinguishment of their title to lands in that State, twenty thousand dollars.

For salaries for the agents for claims on account of spoiliations, and for seamen, at London and Paris, four thousand dollars.

For the relief and protection of American seamen in foreign countries, eighty thousand dollars.

For the payment of a balance due to Mr. Poirey, ascertained and settled under the law of February twenty-fourth, one thousand eight hundred and nineteen, the sum of three thousand four hundred and eighty-six dollars.

For the payment of a balance due M. de Vienne, ascertained and settled under the law of February twenty-fourth, one thousand eight hundred and nineteen, nine hundred and ninety-five dollars and forty cents.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 11, 1820.

An Act making further appropriations for continuing the work upon the centre building of the Capitol and other public buildings.

Be it enacted, &c., That, for continuing the work of the centre building of the Capitol, and other public buildings, in the city of Washington, the following sums of money be, and the same are hereby, appropriated, viz :

For continuing the work on the centre building of the Capitol, one hundred and eleven thousand seven hundred and sixty-nine dollars,

For painting the inside of the north and south wings of the Capitol, and providing for the expense of making such alterations therein as have been directed during the present session of Congress, two thousand eight hundred and sixty-seven dollars.

For graduating the ground round the Capitol, and supplying the deficiency in former appropriations for enclosing and improving the Capitol Square, five thousand five hundred and ninety-one dollars.

For making necessary repairs and alterations in the President's House, one thousand one hundred dollars.

For making alterations and improvements in the Senate Chamber, for the better accommodation of the Senate, two thousand four hundred dollars.

SEC. 2. *And be it further enacted*, That the said several sums be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 11, 1820.

An Act making appropriations for the military service of the United States, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That the following sums be,

and the same are hereby, respectively appropriated, viz :

For the pay of the Army of the United States, in addition to an unexpended balance of one hundred thousand dollars, one million thirty-six thousand seven hundred and eighty-four dollars.

For subsistence, in addition to the sum of two hundred and twenty thousand dollars already appropriated, six hundred and two thousand and forty-eight dollars.

For bounties and premiums for fifteen hundred recruits, twenty-one thousand dollars.

For quarters, fuel, straw, and all other expenses for recruits, until organized to join regiments and corps, thirty-four thousand one hundred and twenty-five dollars.

For clothing, three hundred thousand dollars.

For the medical and hospital department, forty-two thousand one hundred and forty-five dollars.

For the quartermaster's department, four hundred and fifty thousand dollars.

For the contingencies of the Army, forty thousand dollars.

For forage for officers, in addition to an unexpended balance of twenty thousand dollars, six thousand four hundred and ninety-six dollars.

For fortifications, eight hundred thousand dollars.

For the Military Academy at West Point, for fuel, maps, plans, books, and apparatus, and contingent expenses, eighteen thousand three hundred and twenty-two dollars; for completing the building, two thousand five hundred dollars; for arrearages, prior to the year one thousand eight hundred and eighteen, twenty-one thousand four hundred and twenty-eight dollars and fifty-seven cents; for cannon and shot, to fulfil existing contracts, and for the purchase of flints, and timber for travelling carriages, fifty-three thousand dollars.

For the national armories, in addition to the sum of fifty-six thousand dollars, already appropriated, three hundred and nineteen thousand dollars.

For the current expenses of the ordnance department, one hundred thousand dollars.

For the completion of arsenals, to wit : for completing the arsenal at Augusta, in Georgia, twenty-seven thousand dollars; for completing the arsenal at Baton Rouge, twenty-five thousand dollars; and at Watertown, near Boston, eight thousand six hundred and fifty dollars.

For balance due to certain States, in addition to an unexpended balance of one hundred and fifty-three thousand one hundred and seventy-two dollars, three hundred and fifty thousand dollars.

For arrearages, in addition to fifty thousand dollars, already appropriated, one hundred thousand dollars.

For the annual allowance to the invalid pensioners of the United States, in addition to an unexpended balance of eighty-four thousand nine hundred and eighty-two dollars and twenty-nine cents, three hundred and forty-one thousand eight hundred and sixty-two dollars and seventy-one cents.

For the annual allowance to the Revolutionary pensioners, under the act of the eighteenth March,

one thousand eight hundred and eighteen, two millions seven hundred and thirty-six thousand four hundred and forty dollars.

For the half-pay of widows and orphans, one hundred thousand dollars.

For the current expenses of the Indian department, during the present year, two hundred thousand dollars.

For surveying and marking boundary lines of Indian cessions, fifteen thousand dollars.

For making a survey of the water-courses tributary to and west of the Mississippi, also those tributary to the same river and northwest of the Ohio, four thousand five hundred dollars.

For making a survey, maps, and charts, of the Ohio and Mississippi, from the rapids of the Ohio at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, five thousand dollars.

For completing the public road through the Creek nation, between the States of Georgia and Alabama, three thousand three hundred dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid out of any moneys in the Treasury, not otherwise appropriated.—[Approved, April 14, 1820.]

An Act to continue in force the act passed on the twentieth day of April, one thousand eight hundred and eighteen, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the second day of March, one thousand seven hundred and ninety-nine," and for other purposes.

Be it enacted, &c., That the act passed on the twentieth day of April, in the year one thousand eight hundred and eighteen, entitled "An act supplementary to an act entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine,'" shall continue in force for two years from the twentieth day of April, one thousand eight hundred and twenty, and from that time until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That, in all cases of entry of merchandise for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel in which the same shall be laden, for completing the entry, and taking the oath required by law : *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

Approved, April 18, 1820.

An Act to establish a District Court in the State of Alabama.

Be it enacted, &c., That all the laws of the United States, which are not locally inapplicable, shall be extended to the State of Alabama, and shall have the same force and effect within the same, as elsewhere within the United States.

Public Acts of Congress.

SEC. 2. *And be it further enacted,* That the said State shall be one district, and be called the Alabama district; and a district court shall be held therein, to consist of one Judge, who shall reside in the said district, and be called the district judge. He shall hold, alternately, at the towns of Mobile and Cahaba, beginning at the first, four stated sessions annually; the first to commence on the first Monday in April next, and the three other sessions, progressively, on the first Monday of every third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States," and an act, entitled "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,' approved second March, one thousand seven hundred and ninety-three. He shall appoint clerks for the said district, who shall reside, and keep the records of the court, at the places of holding the same; and shall receive, for the services performed by them, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *And be it further enacted,* That all causes, actions, indictments, libels, pleas, processes, and proceedings whatsoever, returnable, commenced, depending, or in any manner existing, in the general court, established by an act, entitled "An act to establish a separate territorial government for the eastern part of the Mississippi Territory," by virtue of the federal jurisdiction by that act granted, be, and the same are hereby transferred to the said district court, and may be proceeded in, shall exist, and have like incidents and effects, as if they had been originated, and been proceeded in, in the said district court.

SEC. 4. *And be it further enacted,* That the dockets, books, records, and papers, belonging to the said general court, arising out of, and appertaining to, its federal jurisdiction, shall be transferred to, and become the dockets, books, records, and papers, of the said district court.

SEC. 5. *And be it further enacted,* That there shall be allowed to the judge of the said district court the annual compensation of fifteen hundred dollars, to commence from the date of his appointment, to be paid quarter yearly, at the Treasury of the United States.

SEC. 6. *And be it further enacted,* That there shall be appointed, in the said district, a person learned in the law, to act as Attorney for the United States; who shall, in addition to his stated fees, be paid by the United States two hundred dollars annually, as a full compensation for all extra services.

SEC. 7. *And be it further enacted,* That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred and fifty dollars annually, as a compensation for all extra services.

Approved, April 21, 1820.

An Act relative to the Arkansas Territory.

Be it enacted, &c., That the act of Congress, passed on the fourth day of June, one thousand eight hundred and twelve, providing for the government of the Territory of Missouri, as modified by the act of Congress passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, entitled An act to alter certain parts of the act aforesaid, shall be considered as applicable to the government of the Territory of Arkansas, and shall have reference to the proceedings of the said Territory, in organization of the second grade of the territorial government assumed by said Territory, under an act of Congress of the second March, one thousand eight hundred and nineteen, establishing the Territory of Arkansas; and all and every step, taken under the last mentioned act, shall be considered valid, if not inconsistent with the three before recited acts taken together.

Approved, April 21, 1820.

An Act to authorize the Secretary of State to cause the laws of the Michigan Territory to be printed and distributed, and for other purposes.

Be it enacted, &c., That the laws of the Michigan Territory in force, shall be printed, under the direction of the Secretary of State; and that a competent number of copies thereof shall be distributed among the people of said Territory, as the Governor and Judges thereof shall direct: *Provided,* That the expense of such printing shall not exceed twelve hundred and fifty dollars.

SEC. 2. *And be it further enacted,* That fifteen sets of the laws of the United States, which were compiled by order of Congress, and published by Bioren and Duane, in one thousand eight hundred and fifteen, shall be transmitted by the Secretary of State, to said Territory, to be distributed therein, as the local government thereof may direct.

Approved, April 24, 1820.

An Act making further provision for the sale of the Public Lands.

Be it enacted, &c., That, from and after the first day of July next, all the public lands of the United States, the sale of which is, or may be, authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and, when offered at private sale, may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall run north and south, and the corners and contents of half-quarter sections, which may thereafter be sold, shall be ascertained in the manner, and on the principles, directed and prescribed by the second section of an act, entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be subdivided into half quarter sections, under such rules and regulations as may

be prescribed by the Secretary of the Treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.

SEC. 2. *And be it further enacted*, That credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the first day of July next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land office, a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

SEC. 3. *And be it further enacted*, That, from and after the first day of July next, the price at which the public lands shall be offered for sale, shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who shall make payment as aforesaid, shall be the purchaser; but no lands shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which shall have been offered at public sale before the first day of July next, and which shall then remain unsold, as well as the lands that shall thereafter be offered at public sale, according to law, and remain unsold at the close of such public sale, shall be subject to be sold at private sale, by entry at the land office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry as aforesaid, with the exception, however, of the lands which may have reverted to the United States, for failure in payment, and of the heretofore reserved sections for the future disposal of Congress, in the States of Ohio and Indiana, which shall be offered at public sale, as hereinafter directed.

SEC. 4. *And be it further enacted*, That no lands which have reverted, or which shall hereafter revert and become forfeited to the United States, for failure in any manner to make payment, shall, after the first day of July next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such lands, which shall have reverted before the said first day of July next, and which shall then belong to the United States, together with the sections, and parts of sections, heretofore reserved for the future disposal of Congress, which shall, at the time aforesaid, remain unsold, shall be offered at public sale to the highest bidder, who shall make payment therefor, in half quarter sections, at the land office for the respective districts, on such day or days as shall, by proclamation of

the President of the United States, be designated for that purpose; and all lands which shall revert and become forfeited for failure of payment after the said first day of July next, shall be offered, in like manner, at public sale, at such times as the President shall, by his proclamation, designate for the purpose: *Provided*, That no such lands shall be sold at any public sales hereby authorized, for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment; and all the lands offered at such public sales, and which shall remain unsold at the close thereof, shall be subject to entry at private sale, in the same manner, and at the same price, with the other lands sold at private sale at the respective land offices.

SEC. 5. *And be it further enacted*, That the several public sales authorized by this act shall, respectively, be kept open for two weeks, and no longer; and the registers of the land office, and the receivers of public money, shall each, respectively, be entitled to five dollars for each day's attendance thereon.

SEC. 6. *And be it further enacted*, That, in every case hereafter, where two or more persons shall apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

Approved, April 24, 1820.

An Act in addition to several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, to cause to be carried to the account of the surplus fund any moneys appropriated for the Department of War, or of the Navy, which may remain unexpended in the Treasury, or in the hands of the Treasurer, or agent for those Departments, whenever he shall be informed, by the Secretaries of those Departments, that the object for which the appropriation was made has been effected. And it shall be the duty of the Secretaries of War and Navy Departments, to cause any balance of moneys drawn out of the Treasury, which shall remain unexpended, after the object for which the appropriation was made shall be effected, to be repaid to the Treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretaries of the War and Navy Departments to lay before Congress, on the first day of February, of each year, a statement of the appropriations of the preceding year, for their Departments, respectively, showing the amount appropriated under each, and the balance remaining unexpended, either in the Treasury, or in the Treasurer's hands, as agent of the War or Navy Departments, on the thirty-first December preceding: And it shall be further the duty of the Secretaries aforesaid, to estimate the probable demands which may remain on each appropriation and the balance shall be deducted from the esti-

mates of their Departments, respectively, for the service of the current year; and accounts shall also be annually rendered, in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper. And whenever any moneys, appropriated to the Department of War, or of the Navy, shall remain unexpended, in the hands of the Treasurer, as agent of either of those Departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the Secretary of such Department to inform the Secretary of the Treasury of the fact, and the Secretary shall thereupon cause such moneys to be carried to the account of the surplus fund: *Provided*, That, when an act making an appropriation shall assign a longer duration for the completion of its object, no transfer of any unexpended balance, to the account of the surplus fund, shall be made, until the expiration of the time fixed in such act.

SEC. 3. *And be it further enacted*, That, in the settlement of the accounts of the War Department, for services or supplies accruing prior to the first of July, one thousand eight hundred and fifteen, the expenditures shall be charged to arrearages, and the balances of public money hereafter recovered out of advances made in the War Department, for service or supplies, prior to the date aforesaid, shall be returned to the Treasury, and, by the Secretary of the Treasury, be carried to the surplus fund.

SEC. 4. *And be it further enacted*, That nothing contained in the act of March third, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," shall be so construed as to allow any appropriation whatever for the service of one year to be transferred to another branch of expenditure in a different year, nor shall any appropriations be deemed subject to be transferred under the provisions of the abovementioned act, after they shall have been placed in the hands of the Treasurer, as agent of the War or Navy Departments.

SEC. 5. *And be it further enacted*, That the abovementioned act, of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditures in the Military department, viz: For the subsistence of the Army, for forage, for the medical and hospital departments, for the quartermaster's department, to be applied to any of the above mentioned branches of expenditure in the same department; and that the President shall be also further authorized, to direct a portion of the moneys appropriated for any of the following branches of the Naval department, viz: For provisions, for medicine and hospital stores, for repairs of vessels, for clothing, to be applied to any other

of the above mentioned branches of expenditure in the same department; and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

SEC. 6. *And be it further enacted*, That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the Army or Navy, and contracts by the quartermaster department, which may be made by the Secretaries of those departments.

SEC. 7. *And be it further enacted*, That no land shall be purchased on account of the United States, except under a law authorizing such purchase.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts; and also a statement of the sums remaining in the Treasury, or in the hands of the Treasurer, as agent of the War and Navy Departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the Executive Government in the year to which the estimates apply.

SEC. 9. *And be it further enacted*, That the second section of the act, entitled "An act making appropriation for the payment of the arrearages which have been incurred for the support of the Military Establishment previous to the first day of January, one thousand eight hundred and seventeen," passed on the sixteenth day of February, one thousand eight hundred and eighteen, be, and is hereby, repealed.—[Approved, May 1, 1820.]

An Act in addition to an act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the eighteenth day of March, one thousand eight hundred and eighteen.

Be it enacted, &c., That no person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the eighteenth day of March, one thousand eight hundred and eighteen, shall, after the payment of that part of the pension which became due on the fourth day of March, one thousand eight hundred and twenty, continue to receive the pension granted by the said act, until he shall have exhibited to some court of record in the county, city, or borough, in which he resides, a schedule, subscribed by him, containing his whole estate and income, (his necessary clothing and bedding excepted,) and shall have (before the said court, or one of the judges thereof) taken and subscribed, and produced to the said

Public Acts of Congress.

court, the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, (as the case may be,) that I was a resident citizen of the United States on the eighteenth day of March, one thousand eight hundred and eighteen, and that I have not, since that time, by gift, sale, or in any manner whatever, disposed of my property, or any part thereof, with intent thereby so to diminish it as to bring myself within the provisions of an act of Congress, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,' passed on the eighteenth day of March, one thousand eight hundred and eighteen, and that I have not, nor has any person in trust for me, any property or securities, contracts or debts, due to me; nor have I any income, other than what is contained in the schedule hereto annexed, and by me subscribed;" nor until such person shall have delivered, or caused to be delivered, to the Secretary of War, a copy of the aforesaid schedule and oath or affirmation, certified by the clerk of the court to which the said schedule was delivered, together with the opinion of the said court, also certified by their clerk, of the value of the property contained in the said schedule: *Provided*, That, in every case in which the pensioner may be insane, or incapable of taking an oath, the court may receive the said schedule without the aforesaid oath or affirmation, from the committee, or other person authorized to take care of such person.

SEC. 2. *And be it further enacted*, That the original schedule, or oath or affirmation, shall be filed in the clerk's office of the court to which the schedule, and oath or affirmation aforesaid shall be exhibited; and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That, on the receipt of the copy of the schedule and oath, or affirmation aforesaid, it shall be the duty of the Secretary of the War Department to cause to be struck, from the list of pensioners under the said act, the name of such person, in case the said person shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country: *Provided*, That every person who shall have been placed on the pension list in consequence of disability, from known wounds received in the Revolutionary war, and who shall have relinquished such pension in order to avail themselves of the benefit of the provisions of the act, to which this is an amendment, who, by virtue of this section, may be stricken from the pension list, shall be forthwith restored to the pension so relinquished.

Approved, May 1, 1820.

An Act to increase the allowance of the Judges of the Orphans' Court in the counties of Washington and Alexandria.

Be it enacted, &c., That, from and after the passing of this act, the judge of the orphans' court for the county of Washington, in the District of Columbia, and the judge of the orphans' court for the

county of Alexandria, in the same District, shall, each, be entitled to receive, in lieu of his present compensation, the sum of six dollars for every day he shall attend in the execution of his office; to be paid in the same manner as is now by law directed.

Approved, May 1, 1820.

An Act confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village.

Be it enacted, &c., That the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, by their agents, Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot, and Francis Turcotte, in laying out a town called Illinois city, on one of the tracts of land confirmed to them as a common, by an act of Congress, passed on the twentieth February, one thousand eight hundred and twelve, and the distribution made by the said agents, of the lots, amongst the inhabitants of the said village of Cahokia, be, and the same are hereby, confirmed.

SEC. 2. *And be it further enacted*, That the said Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot, and Francis Turcotte, or any three of them, be, and they are hereby, authorized to convey, by deed, in fee simple, the lots that have heretofore been distributed as aforesaid, to those persons, or their legal representatives, to whom distribution as aforesaid was made.

Approved, May 1, 1820.

An Act concerning the Banks of the District of Columbia.

Be it enacted, &c., That the charters of the several incorporated banks in the District of Columbia, now paying specie, and during such time only as such banks respectively shall continue to pay specie, be, and the same are hereby, extended to the first day of June, one thousand eight hundred and twenty-two, any thing in the said charters to the contrary notwithstanding; and the charter of the Bank of Columbia be, and the same is hereby declared to be, limited in its duration, to the said first day of June, one thousand eight hundred and twenty-two: *Provided*, That this act shall be of no force or effect to extend any charter aforesaid, till a majority in interest of the stockholders of the several banks, whose charters may be hereby extended, shall file their declarations, in writing, in the office of the Secretary of the Treasury, assenting to, and accepting the benefit of this act.

Approved, May 4, 1820.

An Act further to regulate the Medical Department of the Army.

Be it enacted, &c., That the Apothecary General, and the Assistant Apothecaries General, shall severally give bonds to the United States, with good and sufficient security, for the faithful performance of their duties, in such sums as shall be required by the Surgeon General of the Army, under the direction of the War Department.

Approved, May 8, 1820.

Public Acts of Congress.

An Act for the benefit of the Columbian Institute, established for the promotion of Arts and Sciences, in the City of Washington.

Be it enacted, &c., That there be granted, during the pleasure of Congress, to the Columbian Institute for the promotion of Arts and Sciences, the use and improvement of a tract of public land in the City of Washington, not exceeding five acres, to be located under the direction of the President of the United States, for the purpose of enabling the said Columbian Institute to effect the object of their incorporation: *Provided,* That whenever the said Institute shall be dissolved, or cease to exist, or to employ the said tract of land for the purposes aforesaid, all right, title, and interest, hereby granted to the same, shall revert to, and vest in, the United States, as completely as if such grant had never been made.

Approved, May 8, 1820.

An Act to establish additional Land Offices in the States of Alabama and Illinois.

Be it enacted, &c., That, for the sale of the unappropriated public lands in the State of Alabama, the following districts shall be formed, and land offices therefor established: All the public lands, as aforesaid, bounded on the north by the line which separates townships numbered fourteen and fifteen, in the district of Huntsville; on the south, by the line which separates townships twenty-two and twenty-three, in the district of Cahaba, and the district east of Pearl river; and on the east and west, by the lines of the State of Alabama; shall form a district, for which a land office shall be established at Tuscaloosa. And all the public lands, as aforesaid, bounded on the south, by the southern boundary of the State of Alabama; on the west, by the line separating ranges four and five, east of the basis meridian, to the line separating townships five and six north, in the district of Cahaba; thence, east, with said line, to the line separating ranges twenty and twenty-one; thence, north, with said line, to the line separating townships eleven and twelve; thence, east, with said line, to the eastern boundary of the State of Alabama, and bounded on the east by the eastern boundary of said State; shall form a district, for which a land office shall be established at Conecuh Courthouse.

SEC. 2. And be it further enacted, That so much of the public land, heretofore included in the Shawneetown land district, as lies east of the third principal meridian, north of the base line, and west of the range line, between ranges numbered eight and nine, east of the said third principal meridian, shall constitute a separate land district; and, for the sale of the public lands therein, there shall be a land office established at Vandalia, the seat of government for the State of Illinois.

SEC. 3. And be it further enacted, That so much of the public land as lies north of the base line, east of the aforesaid range line, and west of the Big Wabash river, as lies in the State of Illinois, shall also constitute a separate land district; and for the sale of the public lands, there shall be a

land office established at the town of Palestine, on the Wabash river.

SEC. 4. And be it further enacted, That there shall be a register and receiver appointed to each of the aforesaid land offices, to superintend the sales of the public lands in their respective districts, who shall reside at the places designated in their respective districts, at which the offices are fixed, give security in the same manner, in the same sums, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be by law provided in relation to the registers and receivers of public moneys in the several offices established for the sale of the public lands.

SEC. 5. And be it further enacted, That the provisions of the second, third, and fifth sections of the act, entitled "An act to designate the boundaries of districts, and establish land offices, for the disposal of the public lands, not heretofore offered for sale, in the States of Ohio and Indiana," approved March the third, eighteen hundred and nineteen, be, and the same are hereby, made applicable to the aforesaid districts and offices, so far as they are not changed by subsequent laws of the United States.

Approved, May 11, 1820.

An Act to revive the powers of the Commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan.

Be it enacted, &c., That the powers of the commissioners, for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, as defined by the second section of an act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," passed on the twenty-third of April, one thousand eight hundred and twelve, shall be, and are hereby, revived. And the said commissioners shall perform the duties therein prescribed, in relation to the claims which have been filed with the register of the land office for the said district, in pursuance of the act, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit." And the said commissioners shall also have power to examine and decide, according to the laws respecting the same, the claims which have been filed with the register of the land office, and not heretofore decided on; and they shall transmit their report, and transcripts of their decisions, to the Secretary of the Treasury, to be laid before Congress, in the manner directed by former laws providing for the adjustment of such claims.

SEC. 2. And be it further enacted, That the said commissioners shall be, and they are hereby, authorized to employ, with the approbation of the Secretary of the Treasury, a person capable of translating the French language, as an agent, for

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the purpose of ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens. It shall be the duty of the said agent to give public notice, at each of the said settlements, of the time and place therein at which he shall attend for the purpose of receiving notices and evidences of titles and claims to lands within the same. And every person having title or claim to lands within the settlements aforesaid, shall produce the evidence of his title or claim to the said agent, who shall record the same in books to be kept for that purpose. And, after the said agent shall have remained at the places aforesaid a time sufficient for the inhabitants to produce the evidence of their claims, he shall make his report thereof to the said commissioners, who shall have power to examine and decide on the claims so reported to them, according to the laws for adjusting and settling the claims to land in the district of Detroit, except that which relates to donations of vacant land adjacent to the land confirmed, shall not be considered applicable to claims in the settlements aforesaid. And the said commissioners shall transmit their report, and transcripts of their decisions, to the Secretary of the Treasury, on or before the first of October, in the year one thousand eight hundred and twenty-one, to be laid before Congress at their next session thereafter, in the same manner as was directed by law in respect to the claims to lands in the district of Detroit.

Sec. 3. *And be it further enacted*, That the agent aforesaid shall take an oath for the faithful discharge of the duties enjoined on him; and he shall conform, in discharging the said duties, to such general instructions as shall be given him by the Secretary of the Treasury; and the said commissioners and agent shall each receive five hundred dollars, as full compensation for the services to be performed under this act, together with the recording fees to the agent, and allowance to the register, for a certificate of confirmation for donation rights, provided for by former laws.

Approved, May 11, 1820.

An Act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district.

Be it enacted, &c., That every person who would have been entitled to the right of pre-emption, according to the provisions of the act entitled "An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," passed February fifth, one thousand eight hundred and thirteen, provided said act had been so construed as to embrace those who were living within the limits of the Vincennes land district, and who became the purchaser, at public sale, of the said land, to which the right of pre-emption would have so attached, at more than two dollars per acre, shall be entitled to a certificate for the amount so paid, or to be paid, exceeding two dollars per acre, from the register of the land office at Vincennes; which certificate shall be receivable in payment of any debt due to the United States on account of the sale of public land: *Provided*,

however, That it shall be the duty of every person claiming the benefit of this act to prove, to the satisfaction of the register and receiver of the land office at Vincennes, that they are entitled thereto, according to its true intent and meaning.

Sec. 2. *And be it further enacted*, That every person who would have been entitled to the right of pre-emption, in the said Vincennes district, according to the provisions of the said recited act, passed the fifth day of February, eighteen hundred and thirteen, had it been so construed as to embrace them, and who did not become the purchaser of any tract of land, to which such right of pre-emption would have attached, shall be allowed till the first day of September next, to prove, to the satisfaction of the register and receiver at Vincennes, that they would have been so entitled; and it shall be the duty of the register, when the satisfaction aforesaid shall be made, to grant a certificate to every such person, or their legal representatives, stating therein that such person would have been entitled to such right of pre-emption, and that he did not become the purchaser thereof, neither at public nor private sale. And every such person, or his legal representatives, shall, upon producing such certificate to the register of any land office, in the State of Illinois, be allowed to enter one quarter section of land each, at the minimum price fixed by the United States, of any land which may be surveyed previous to the first day of September next, whether the same shall have been offered at public sale or not.

Approved, May 11, 1820.

An Act supplementary to the several acts for the adjustment of land claims in the State of Louisiana.

Be it enacted, &c., That the claims for lands within the eastern district of the State of Louisiana, described by the register and receiver of the said districts, in their report to the Commissioner of the General Land Office, bearing date the twentieth day of November, one thousand eight hundred and sixteen, and recommended in the said report for confirmation, be and the same are hereby confirmed against any claim on the part of the United States.

Sec. 2. *And be it further enacted*, That any person or persons, claiming lands within that part of Louisiana lying west of the river Mississippi, including the island of New Orleans, founded upon any Spanish grant, concession, or order of survey, and whose claims have not heretofore been filed in the proper office, may, from and after the first day of July next, and until the thirty-first day of December thereafter, deliver notices in writing, and the written evidences of their claims, to the register of the land district within which such lands may be situate, within the said State, and the said notices and evidences, so delivered, within the time limited by this act, shall, by the said registers, be recorded, in books to be kept for that purpose, for which service a compensation shall be received from such claimants, at the rate of twenty-five cents for every hundred words. And the rights of such persons as shall neglect so doing, within the time limited

by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred, and become void, and the evidences of their claims never after admitted as evidence in any court of the United States, against any grant derived from the United States.

SEC. 3. *And be it further enacted*, That the said registers shall, on the first day of January next, make to the Secretary of the Treasury a report of all the claims filed in their respective offices, in pursuance of the provisions of this act, together with the substance of the evidence in support thereof, with their opinion of the credit to which such evidence is entitled.

SEC. 4. *And be it further enacted*, That every person, or persons, claiming land within that part of Louisiana described in the preceding section, founded upon any Spanish grant, concession, or order of survey, who had filed their notices of claims in the proper office, according to former laws, and whose claims have not been confirmed, may, at any time before the thirty-first day of December next, deliver additional written evidence, or other testimony, in support of their claims, the notice of which had been filed as aforesaid, to the said registers, and the evidence so delivered or offered, shall be recorded in books to be kept for that purpose, for which service a compensation shall be received, from such claimants, at the rate of twenty-five cents for every hundred words. And the rights of such persons as shall neglect so doing, within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

SEC. 5. *And be it further enacted*, That the said registers shall, on the first day of January next, make to the Secretary of the Treasury a report of the claims in which additional evidence shall have been filed in their respective offices, together with the substance of the evidence so filed, with their opinion of the credit to which such evidence is entitled, and such other information as the examination of such cases, under any former law, may have placed in their power or possession.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the reports of the said registers shall be received, to proceed to the examination of the claims aforesaid, and to report to the two Houses of Congress a list of the cases which, in his opinion, ought to be confirmed, together with the reasons upon which his opinion may be founded: *Provided, nevertheless*, That no claim shall be so recommended for confirmation, which contains more than the quantity contained in a league square.

SEC. 7. *And be it further enacted*, That the fifth section of the act of the third day of March, eighteen hundred and eleven, entitled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the Territories of Orleans and Louisiana, and to repeal the

act passed for the same purpose," and approved February sixteenth, one thousand eight hundred and eleven, be, and the same is hereby, revived and continued, for the term of two years from and after the passing of this act.

SEC. 8. *And be it further enacted*, That the said registers, in addition to the compensation herein prescribed, shall receive, in full for the services required of them, respectively, by this act, the sum of six hundred dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, May 11, 1820.

An Act extending the time allowed for the redemption of lands sold for direct taxes, in certain cases.

Be it enacted, &c., That the time allowed for the redemption of lands which have been or may be sold for the payment of taxes, under the act passed the ninth day of January, one thousand eight hundred and fifteen, so far as the same regards the direct tax of six millions of dollars, laid in that year: or under the act passed the fifth day of March, one thousand eight hundred and sixteen, so far as the same regards the direct tax of three millions of dollars, laid in that year, and purchased on behalf of the United States, be extended three years beyond the time heretofore allowed: *Provided*, That such extension of time shall not be beyond the first of June, one thousand eight hundred and twenty-one, and that, on such redemption, interest be paid at the rate of twenty per centum per annum on the taxes aforesaid, and additions of twenty per centum chargeable thereon; and the right to redeem shall inure as well to persons holding an equitable or revisionary interest in lands so purchased on behalf of the United States, as to the original owners thereof.

SEC. 2. *And be it further enacted*, That where any person or persons, who has or have purchased lands or tenements, sold for the non-payment of the direct tax, shall be entitled to have a deed for the same, but, from the death or removal of the collector, or from any other cause, there is no officer who, by the existing laws, is authorized to make a deed, it shall be lawful for such person or persons to apply, by petition, to the district judge of the district in which such lands or tenements are situate, setting forth the circumstances of the case, and, upon due proof being made, to the satisfaction of such judge, that such person or persons is or are a purchaser or purchasers as aforesaid, and has or have fully complied with all conditions of sale, and is or are entitled to have a deed, and that there is no officer who, by the existing laws, is authorized to make such deed, it shall be lawful for such judge, and he is hereby authorized and required, to order and direct the marshal of the district to make a deed to the purchaser or purchasers; which deed, being acknowledged in open court, and entered of record, shall have the same effect as if it had been made by the collector or other officer authorized by the laws heretofore or now in force.

Approved, May 11, 1820.

Public Acts of Congress.

An Act to amend the act, entitled "An act to provide for the publication of the laws of the United States, and for other purposes."

Be it enacted, &c., That the Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution, or law, passed by Congress, except such orders, resolutions, and laws as are of a private nature, cause the same to be published in a number of public newspapers, not exceeding one in the District of Columbia, and in not more than three newspapers in each of the several States and Territories of the United States. And he shall also cause to be published, in like manner, in the said newspapers, all public treaties entered into and ratified by the United States, except Indian treaties, which shall be published only in one newspaper, and that to be within the limits of the State or Territory to which the subject-matter of such treaty shall belong.

SEC. 2. *And be it further enacted,* That the first section of the act, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," approved the twentieth of April, one thousand eight hundred and eighteen, be, and the same is hereby, repealed: *Provided,* That such repeal shall not be construed to prevent the payment of any compensation that may be due for the publication of the laws, previous to the promulgation of this act.

Approved, May 11, 1820.

An Act authorizing the sale of thirteen sections of land, lying within the land district of Canton, in the State of Ohio.

Be it enacted, &c., That the thirteen sections of land, lying within the land district of Canton, in the State of Ohio, which were reserved for the use of certain persons of the Delaware tribe of Indians by an act of Congress, passed on the third day of March, one thousand eight hundred and seven, and were subsequently ceded to the United States by the eighteenth article of the treaty concluded on the twenty-ninth day of September, one thousand eight hundred and seventeen, shall be offered to public sale, by the register and receiver of the public moneys at the land office at Wooster, on such day or days as the President shall designate for that purpose, in the same manner, and on the same conditions and terms, as are provided by law for the sale of the public lands of the United States.

Approved, May 11, 1820.

An Act to alter the times of the session of the circuit and district courts in the District of Columbia.

Be it enacted, &c., That, from and after the first day of January next, instead of the times now provided by law, for the session of the circuit court in the District of Columbia, the same shall be holden at the times and places following, that is to say: At Washington, in and for the county of Washington, on the first Monday in October, and on the second Monday in April, in every year;

and in Alexandria, in and for the county of Alexandria, on the first Mondays in November and May, in every year.

SEC. 2. *And be it further enacted,* That, from and after the first day of July next, instead of the times now provided by law for the session of the district court for the District of Columbia, the same shall be holden on the first Mondays in December and June in every year.

Approved, May 11, 1820.

An Act to annex certain lands within the Territory of Michigan to the district of Detroit.

Be it enacted, &c., That all the public lands of the United States within the Territory of Michigan, to which the Indian title was extinguished by the treaty held and concluded at Saguna, in the said Territory, on the twenty-fourth day of September, in the year one thousand eight hundred and nineteen, shall be, and hereby are, attached to, and made part of, the district of Detroit, in the said Territory.

SEC. 2. *And be it further enacted,* That the lands aforesaid, to which the Indian title has been extinguished, and which have not been reserved or appropriated by existing laws or treaties, shall be surveyed and offered for sale, under the direction of the President of the United States, in the same manner, with the same reservations and exceptions, and upon the same terms and conditions in every respect, both at public and private sale, as are or may be provided by law for the disposal of the other public lands within the said district.

Approved, May 11, 1820.

An Act to establish a uniform mode of discipline and field exercise for the militia of the United States.

Be it enacted, &c., That the system of discipline and field exercise which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercises and discipline of the said corps, respectively, throughout the United States.

SEC. 2. *And be it further enacted,* That so much of the act of Congress, approved the eighth day of May, one thousand seven hundred and ninety-two, as approves and establishes the rules and discipline of the Baron de Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby, repealed.

Approved, May 12, 1820.

An Act to alter and establish certain Post Roads.

Be it enacted, &c., That the following post roads be, and the same are hereby, discontinued, that is to say:

From Lilly Point to Halcyonville, in Virginia.
From Dublin to Jacksonville, in Georgia.
From Westport to Brunerstown, in Kentucky.
From Whitfield to Jefferson, in Maine.
From Chickasaw Agency to St. Stephens, in Mississippi.

From Choctaw Agency to Monticello; and from Natchez to Lake Pontchartrain, in the same State.

From Rhea Courthouse, Tennessee, to Fort Jackson, in Alabama.

From Haysville to Oxford, North Carolina.

From Waterborough to Barnwell Courthouse, in North Carolina.

From St. Charles, by Montgomery Courthouse, to Howard Courthouse.

From Franklin, Howard county, to Chariton.

From St. Charles, by Murphey's in St. John's settlement, to Howard Courthouse, in the Missouri Territory.

From Vassalboro' to Harlem, in Maine.

From Alna to Palermo.

From Dunstable to Piscataquay Bridge, in New Hampshire.

From Cahaba to St. Stephens.

SEC. 2. *And be it further enacted*, That the following be established post roads, that is to say :

In New Hampshire.—From Amherst, by Lyndborough and Greenfield, to Hancock.

That the post road from Keene to Richmond pass by Winchester.

From Keene, by Surry, Drewsville, and Langdon, to Charlestown.

From Dunstable, through Merrimack, by Bedford meeting-house and Piscataquay bridge, to Isle Hookset.

In Vermont.—From Danville to Montpelier, by Cabot, Marshfield, and Plainfield.

From Vergennes, by Panton, to Westport, in the State of New York.

From Stockbridge to Randolph.

In Maine.—From Alna, by East Pittston, to Whitfield.

From Alna to Gardiner.

From Sedgwick to Deer Island.

From Ellsworth, by Jordan's river school-house, in Trenton, to the towns of Eden and Mount Desert.

From Waldoborough, by Union, Hope, Searsmont, and Belmont, to Belfast.

From Gardiner, by Pittston, Whitfield, Malta, and Jefferson, to Waldoborough.

From New Portland, by Kingfield, to Freeman.

From Hallowell, by Malta, to Harlem.

In Massachusetts.—From Springfield, by Wilbraham, to Stafford Springs, in Connecticut.

From Sandwich, by Coaituit village, in West Barnstable, Thomas D. Scudder's, Yarmouth, and Dennis, to Harwick, on the south side of Cape Cod.

From Gloucester, by Essex, to Ipswich.

From Hanover, by Hanson, to East Bridge-water.

From Northfield, by Vernon, to Brattleborough, in Vermont.

From Salisbury to Amesbury.

From Taunton, by Raynham, to East Bridge-water.

In Connecticut.—From Derby, by Huntingdon, to Newtown.

From Woodbury, by Roxbury, to Warren.

From Hartford, by East Windsor, Ellington,

Somers, Wilbraham, and Ludlow, to Belchertown, in Massachusetts.

From New Haven, by Oxford, Southbury, Woodbury, and Washington, to Warren.

From Norwich to Colchester.

In New York.—From Batavia to Ridgeway.

From Windham, by Roxbury, to Stamford.

From Hopkinton to Keene.

From Mount Hope to Bloomingsburg.

From Moscow, by York, Caledonia, and Scottville, to Rochester.

From Dover to Sharon, in Connecticut.

From Porter, by Twelve Mile Creek, to Eighteen Mile Creek.

From Skeneateles, on the east side of Skeneateles Lake, by Spafford and Scott, to Courtland village.

From Luzerne, by Edinburgh, to Galway.

From Newton, by Catharine, and Cayuta, to Ithaca.

From Bath, by Upper Addison, Troupsburgh, Deerfield, and Elkland, to Batchelorville, in Pennsylvania.

From Constantia, by Cicero, and Salina, to Onondaga.

From Reading to Dresden, on Seneca Lake, thence, along the Lake, by Benton, to Geneva.

From Goshen, by Scotchtown, to Bloomingsburgh.

From Poughkeepsie, by New Paltz, and Bruynville, to Bloomingsburgh.

From Sullivan, by Cazenovia, and Woodstock, to De Ruyter.

In Pennsylvania.—That the post route from Philadelphia to Athens pass by Romig's Ferry and the mouth of Durham Creek to Easton.

From Bedford to Somerset.

From Harrisburgh, by Corbett's Mills, Jonestown, and Rohrsburg, to Hamburg.

From Catawisse, by Mifflinburg, to Nescopeck.

From Liverpool, by Mount Pleasant Mills, Freeburg, Middleburg, and New Berlin, to Mifflinburg.

From Reading, by Morgantown, to Downingtown.

From Emaus to Millerstown.

From White Horse, by Berlin, Connelssville, Middletown, Merrittstown, Jefferson, Waynesburg, and Morrisville, to Grave Creek Flats, in Virginia.

From Stroudsburg to Orwigsburgh.

From New Hope, by Lumberville, and Erwinna, to Romig's Ferry, near the mouth of Durham Creek.

From Kutztown, by Martztown, New Goshenhoppen, Seemanytown, Joseph Williams's, and Centre Square, to White Marsh.

In Maryland.—From Chesapeake, by Port Deposit, to Conewingo.

From Charlotte Hall, by the Three Notched Road, to Fenwick's Tavern.

From Havre-de-Grace to Woodlawn.

In Virginia.—From Bath Courthouse, by McClintock's, and Anthony's Creek, to Lewisburg.

From Staunton, by Greenville, and Fairfield, to Lexington.

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From Shepherdstown, by Leetown and Smithfield, to Winchester.

From West Liberty to Wellsburg.

From Lexington, by the Calf Pasture, to Faucett's, in Bath county.

From Timber Ridge, by North River, to Moorefield.

From Petersburg, by Southerland's Tavern, Lombardy, and Dennis' Tavern, to Jennings' Old Ordinary.

In North Carolina.—From Williamsboro', by Lynnesville, to Clarksville, in Virginia.

From Fayetteville by Waynesborough, to Stantonburg.

From Wadesborough, by Edward Winfield's, Culpepper's store, Jacob Austin's, Charles T. Alexander's, and Maxwell's store, to Charlotte.

From Charlotte, by Azrai Cockburn's and William Taylor's, to Wadesborough.

From Newbern, by Street's Bridge, Croom's Ferry, Hookerstown, Snowhill, and Stantonburg, to Smithfield.

From Lawrenceville, by McNeill's store, and Nicholas Nall's, to Pittsborough.

From Pittsborough, by D. Moffit's to Lawrenceville.

From Oxford, by Cannon and Young's store, to Clarksville, in Virginia.

From Danville, by William Rawling's, and Troublesome Iron Works, to Salem.

From Haysville, by Hawkins' Mills, and Chalk Level, to Williamsboro'.

In South Carolina.—From Columbia, by Richard Harrison's Store, to Bechamsville.

From Georgetown, by Black River, Bull Creek, and Pee Dee Ferries, to Conwayborough.

From Conwayborough, by Little River, and Smithville, to Wilmington, in North Carolina.

From Chester Courthouse, by Cedar Shoals, and McDonald's Ferry, to Lancaster Courthouse.

From John Thompson, Junr's, by Richard Howard's to Godfrey's Ferry, on Big Pee Dee river, or near the same.

That the mail from Lumberton, to Marion Courthouse, pass by the most eligible route, omitting Barfields, if necessary.

In Georgia.—From Hartford, by Jacksonville, to Perry's Mills, in Tatnal County.

That the mail route from Augusta to Savannah shall pass by Waynesborough.

From Poweltown, by Mount Zion and Eaton, to Monticello.

In Ohio.—From Coshocton to Wooster.

From Neville to Bethel.

That the mail from Marietta to Woodfield go by Regnier's Mills, in the town of Aurelius.

From Feestown, by Bethel, Williamsburg, Lebanon, and Ridgeville, to Dayton.

From Lebanon, by Springborough, and Ridgeville, to Xenia.

From West Union, by Decatur, Ripley, Bridgewater, Bethel, and Newton, to Cincinnati.

From Greenville to Winchester, in Indiana.

From Irville to Mount Vernon.

From Piketon, by Robert Bennett's and Asa

Boynton's, to Burlington, on the north side of the Ohio river.

From Norwalk, in the county of Huron, to Lower Sandusky, in the State of Ohio.

In Kentucky.—From Falmouth, by Theobald's, to Fredericksburg.

From Whiteley Courthouse, by Colonel Ross's, to Monticello.

That the post road from Mount Sterling to Prestonburg, pass by the Olympian Springs, and Beaver Iron Works, in Bath county.

That the post road from the Great Crossings, to the mouth of Cedar, pass by Heslersville, in Owen county.

From Richmond to Estill Courthouse.

From Smithland, by America, in Illinois, to Cypress, in Kentucky.

From Richmond, by Big Hill, to Hazle Patch.

From Estill Courthouse, to Patrick's Salt Works, on the north fork of Kentucky river.

From New Castle, by Westport, and Bethlehem, to Charlestown, in Indiana.

From Stamping Grounds to Heslersville.

From Frankfort, by Heslersville, to Fort William.

From Shelbyville to New Castle.

In Tennessee.—From Knoxville, by Morgan Courthouse, to Overton Courthouse.

From Morgantown to Pumpkin Town, by the town of Calhoun, to Ross's, on the south side of Tennessee river.

From Murfreesborough to Shelbyville.

From Carthage, by Lancaster, and Harmony Grove, to Statesville.

From Kingston, by William White's, on Poplar Creek, to Clinton.

From Monroe, by Gainsborough, Williamsburg, and Beech Hill, to Carthage.

From Reynoldsburgh to the Lower Chickasaw Bluffs.

From Nashville, by Harpeth, and New Hope, to Fayetteville.

From Greenville to Greenville College, in the county of Greene.

From Sparta, by Allen's Ferry, and Liberty, to Statesville.

From Chickasaw Lower Bluff, to the post of Arkansas.

In Indiana.—From Palestine, by Hindostan, to Portersville.

From Madison to Versailles.

From Lawrenceburg, by Aurora, Hanover, and Rising Sun, to Vevay.

In Illinois.—From Kaskaskias, by the Irish Settlement, Covington, Carlisle, and Perrysville, to Vandalia.

From Illinois Saline, in Gallatin, to Golconda.

From York, by Aurora, to Terre Haute.

From Montgomery, by Brownsville, and Gill's Ferry, to Jackson, in Missouri Territory.

The mail from Cape Girardeau to Salem, Kentucky, shall pass by America.

From Carmi, by Mount Vernon, to Carlisle.

From Carmi, to Wayne Courthouse, and Jefferson Courthouse.

Public Acts of Congress.

From Palmyra, by Wayne Courthouse, Jefferson Courthouse, and Covington, to Belleville.

From America to Jonesborough.

In Mississippi.—From Natchez, by Franklin, Monticello, Covington, Wayne, and Winchester, to Fort St. Stephens.

From Fordsville to Shieldsboro'.

In Alabama.—From Tuscaloosa, by Marion County Courthouse, to Columbus.

From Burnt Corn Spring, by Connecuh Courthouse, to Fort Crawford.

From Huntsville, by Jackson Courthouse, and Lawrie's Ferry, to Ross's and Washington, in Tennessee.

From Cahawba, by Portland, Canton, Prairie Bluff, Black's Bluff, and Foster's, to Fort Claiborne.

From Mooreville, by Milton's Bluff, Courtland, Bainbridge, and Big Spring, to Russellville, in Franklin county.

From Cahawba, by Joseph Briton's, Old Town, Falls of Cahawba, King and Smith's store, Shelby Courthouse, David McLaughlin's, St. Clair Courthouse, Vincent Bennett's, the Cherokee Nation, by Ross's and James Patterson's, to Washington, in Tennessee.

From the town of Cahawba to the Falls of Cahawba, and to Tuscaloosa.

From Courtland to Moulton.

From St. Clair Courthouse to Carolsville.

In Missouri Territory.—From New Madrid to Point Pleasant.

From Louisiana, by Hanibal, to Palmyra.

From Louisiana to New London.

That the post road from Cape Girardeau to Winchester, pass by Edward Tanner's.

From St. Charles, by Marthasville, Montgomery Courthouse, Loutre Island, Cote Sans Dessein, Nashville, Smithton, John Grayum's, Franklin, Spanish Neekle Prairie, Chareton, William W. Monroe's, Grand River, Bloomfield, Missouriiton, and Bluffton, to Fort Osage.

From Fort Osage, by Mount Vernon, Tabbo, Little Osage Bottom, and Jefferson, to Chareton.

In Michigan Territory.—From Detroit, by Pontiac, to Mount Clemens.

Approved, May 13, 1820.

An Act fixing the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the second Monday of November next.

Approved, May 13, 1820.

An Act to limit the term of office of certain officers therein named, and for other purposes.

Be it enacted, &c., That, from and after the passing of this act, all district attorneys, collectors of the customs, naval officers, and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the Army, the apothecary general, the assistant

apothecaries general, and the commissary general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years; but shall be removable from office at pleasure.

SEC. 2. *And be it further enacted,* That the commission of each and every of the officers named in the first section of this act, now in office, unless vacated by removal from office, or otherwise, shall cease and expire in the manner following: All such commissions bearing date on or before the thirtieth day of September, one thousand eight hundred and fourteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September next; all such commissions bearing date after the said thirtieth day of September, in the year one thousand eight hundred and fourteen, and before the first day of October, one thousand eight hundred and sixteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September, one thousand eight hundred and twenty-one. And all other such commissions shall cease and expire at the expiration of the term of four years from their respective dates.

SEC. 3. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys under the direction of the War and Navy Departments, shall be given; and all bonds given in conformity with such regulations shall be as valid and effectual, to all intents and purposes, as if given for the sums respectively mentioned in the laws requiring the same.

SEC. 4. *And be it further enacted,* That the commissions of all officers employed in levying or collecting the public revenue shall be made out and recorded in the Treasury Department, and the seal of the said department affixed thereto; any law to the contrary notwithstanding: *Provided,* That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Approved, May 15, 1820.

An Act to authorize the President of the United States to borrow a sum not exceeding three millions of dollars.

Be it enacted, &c., That the President of the United States be and he is hereby empowered to borrow, on the credit of the United States, a sum not exceeding three millions of dollars, at a rate of interest payable quarter yearly, not exceeding five per centum per annum, and reimbursable, at the will of the Government, at any time after the first day of January, one thousand eight hundred and thirty-two; or at a rate of interest, payable in like manner, not exceeding six per centum per annum,

and reimbursable at the pleasure of the United States; to be applied, in addition to the moneys now in the Treasury, or which may be received therein from other sources, during the present year, to defray any of the public expenses which are or may be authorized by law. The stock thereby created shall be transferrable in the same manner as is provided by law for the transfer of the public debt.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a Commissioner of Loans, for the sum to be borrowed, or for any part thereof, bearing an interest of five per centum per annum, transferrable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold; *Provided*, That no stock be sold under par.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A commission, not exceeding one-eighth of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents, and a sum, not exceeding four thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for that object, and also for defraying the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the due execution of this act.

SEC. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of ten millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be sufficient for that purpose, after satisfying the sums necessary for the payment of the interest, and of such part of the principal of the said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act. It shall, accordingly, be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, such sum and sums as may annually be necessary to discharge the interest accruing on the said stock, and may be discharged, in conformity with the terms of the loan. And they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards discharging, by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States

is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Approved, May 15, 1820.

An Act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose.

Be it enacted, &c., That the act, entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia," and the act supplementary to the same, passed on the twenty-fourth of February, in the year one thousand eight hundred and four, and the act, entitled "An act further to amend the charter of the City of Washington," and all other acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed: *Provided, however*, That the Mayor, the members of the Board of Aldermen, and members of the Board of Common Council of the corporation of the said city, shall and may remain and continue as such for and during the terms for which they have been respectively appointed, subject to the terms and conditions in such cases legally made and provided; and all acts or things done, or which may be done by them in pursuance to the provisions, or by virtue of the authority of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid, and of as full force and effect as if the said acts had not have been repealed.

SEC. 2. *And be it further enacted*, That the inhabitants of the City of Washington shall continue to be a body politic and corporate, by the name of the "Mayor, Board of Aldermen, and Board of Common Council, of the City of Washington," to be elected by ballot, as hereinafter directed; and, by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same, for the benefit of the city; and may have and use a city seal, and break and alter the same at pleasure.

SEC. 3. *And be it further enacted*, That the Mayor of the said city shall be elected on the first Monday in June next, and on the same day in every second year thereafter, at the same time and place, in the same manner, and by the persons qualified to vote for members of the Board of Aldermen and the Board of Common Council. That the commissioners hereinafter mentioned shall make out duplicate certificates of the result of the election of Mayor; and shall return one to the Board of Aldermen, and the other to the Board of Common Council, on the Monday next ensuing the election; and the person having the greatest number of votes shall be the Mayor; but in case two or more persons, highest in vote, shall have an equal number of votes, then it shall be lawful for the Board of Aldermen and the Board of Common Council to proceed, forthwith, by ballot, in joint meeting, to determine the choice between

such persons. The Mayor shall, on the Monday next ensuing his election, before he enters on the duties of his office, in the presence of the Boards of Aldermen and Common Council, in joint meeting, take an oath, to be administered by a justice of the peace, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favor or partiality." He shall, *ex officio*, have and exercise all the powers, authority, and jurisdiction, of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of the Board of Aldermen, appoint to all offices under the corporation, (except commissioners of election,) and may remove any such officer from office at his will and pleasure. He shall appoint persons to fill up all vacancies which may occur during the recess of the Board of Aldermen, to hold such appointments until the end of the then ensuing session. He may convene the two Boards when, in his opinion, the public good may require it; and he shall lay before them, from time to time, in writing, such alterations in the laws of the corporation as he may deem necessary and proper; and he shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the two Boards, which shall neither be increased nor diminished during his continuance in office. Any person shall be eligible to the office of Mayor who is a free white male citizen of the United States, who shall have attained to the age of thirty years, who shall have resided in the said city for two years immediately preceding his election, and who shall be the bona fide owner of a freehold estate in the said city; and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of Mayor, upon his election thereto, or of his death, resignation, inability, or removal from the city, the said Boards shall assemble and elect another in his place, to serve for the remainder of the term, or during such inability.

SEC. 4. *And be it further enacted*, That the Board of Aldermen shall consist of two members, to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for two years, from the Monday next ensuing their election; and the Board of Common Council shall consist of three members, to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for one year, from the Monday next ensuing their election; and each Board shall meet at the Council Chamber, on the second Monday in June next, for the despatch of business, at ten o'clock in the morning, and at the same hour on the second Monday in June, in every year thereafter; and at such other times as the two Boards may, by law, direct. A majority of each Board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day; they may compel the attendance of absent members in such manner, and under such penalties, and allow such compensation for the attendance of the members, as they may, by law, provide; each Board shall appoint its own President, who shall preside during its sessions, and who

shall be entitled to vote on all questions; they shall settle their rules of proceedings, appoint their own officers, regulate their respective compensations, and remove them at pleasure; and may, with the concurrence of three-fourths of the whole, expel any member for disorderly behavior, or misconduct in office, but not a second time for the same offence; each Board shall keep a journal of its proceedings, and the yeas and nays shall be entered thereon, at the request of any member; and their deliberations shall be public. All ordinances or acts, passed by the two Boards, shall be sent to the Mayor for his approbation, and, when approved by him, shall be obligatory as such. But, if the Mayor shall not approve of any ordinance or act, so sent to him, he shall return the same within five days, with his reasons in writing therefor; and if two-thirds of both Boards, on reconsideration thereof, agree to pass the same, it shall be in force, in like manner as if he had approved it; but, if the two Boards shall, by their adjournment, prevent its return, the same shall not be obligatory.

SEC. 5. *And be it further enacted*, That no person shall be eligible to a seat in the Board of Aldermen or Board of Common Council unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the City of Washington for one year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and be then the bona fide owner of a freehold estate in the said city, and shall have been assessed on the books of the corporation, for the year ending on the thirty-first of December next preceding the day of election. And every free white male citizen of the United States, of lawful age, who shall have resided in the City of Washington for one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed, on the books of the corporation, for the year ending on the thirty-first day of December next preceding the day of election, and who shall have paid all taxes legally assessed and due on personal property, when legally required to pay the same, and no other person, shall be entitled to vote at any election for members of the two Boards. And it shall be the duty of the Register of the city, or such officer as the corporation may hereafter direct, to furnish the commissioners of election, in each ward, previous to opening the polls, at every election, a list of the persons having a right to vote, agreeably to the provisions of this section.

SEC. 6. *And be it further enacted*, That an election for members of the Board of Aldermen, and Board of Common Council, shall be held on the first Monday of June next, and on the first Monday in June annually thereafter; and all elections shall be held by three commissioners to be appointed in each ward, by the two boards in joint meeting, which appointment shall be at least ten days previous to the day of each election. And it shall be the duty of the commissioners so appointed to give at least five days' previous public notice

of the place in each ward where such elections are to be held. The commissioners shall, before they receive any ballot, severally take an oath or affirmation, to be administered by some justice of the peace for the county of Washington, "truly and faithfully to receive and return the votes of such persons as are by law entitled to vote for members of the Board of Aldermen and Board of Common Council, in their respective wards, according to the best of their judgment and understanding; and not knowingly to receive or return the vote of any person who is not legally entitled to the same." The polls shall be opened at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the said commissioners for each ward, or a majority of them, shall count the ballots, and make out, under their hands and seals, a correct return of the persons having the greatest number of legal votes for members of the Board of Aldermen, and for members of the Board of Common Council, respectively, together with the number of votes given to each person voted for; and the persons having the greatest number of votes for the two Boards respectively, shall be duly elected, and, in all cases of an equality of votes, the commissioners shall decide the choice by lot. The said returns shall be delivered to the Mayor, on the day succeeding the election, who shall cause the result of the election to be published in some newspaper printed in the City of Washington; a duplicate return shall, together with a list of the persons who voted at such election, also be made on the day succeeding the election, to the register of the city, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons, so returned, of their election. And each Board shall judge of the legality of the elections, returns, and qualifications, of its own members, and shall supply vacancies in its own body, by causing elections to be held to fill the same, and appoint commissioners to hold the same; and such commissioners shall give at least five days' public notice of the time and place of holding such elections; each of the members of either Board shall, before entering on the duties of his office, take an oath or affirmation "faithfully to execute the duties of his office, to the best of his knowledge and ability," which oath or affirmation shall be administered by the Mayor or some justice of the peace for the county of Washington.

SEC. 7. *And be it further enacted*, That the corporation aforesaid shall have full power and authority to lay and collect taxes upon the real and personal property within the said city, provided that no tax shall be laid upon real property, at a higher rate than three-quarters of one per centum on the assessment valuation thereof, except for the special purposes hereinafter provided; and that no tax shall be laid upon the wearing apparel, or necessary tools and implements used in carrying on the trade or occupation of any person; nor shall the same be subject to distress and sale for any tax; and, after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein,

and in no other; to establish a board of health, with competent authority to enforce its regulations, and to establish such other regulations as may be necessary to prevent the introduction of contagious diseases, and for the preservation of the health of the city; to prevent and remove nuisances; to establish night-watches or patrols, and erect lamps in the streets; to preserve the navigation of the Potomac and Anacostia rivers adjoining the city; to erect, repair, and regulate public wharves, and to deepen creeks, docks, and basins; to regulate the manner of erecting, and the rates of wharfage at, private wharves; to regulate the stationing, anchorage, and mooring of vessels; to provide for licensing, taxing, and regulating auctions, retailers, ordinaries, and taverns, hackney-carriages, wagons, carts, and drays, pawn-brokers, venders of lottery tickets, money-changers, and hawkers and pedlars; to provide for licensing, taxing, regulating, or restraining theatrical or public shows and amusements; to restrain or prohibit tipling houses, lotteries, and all kinds of gaming; to regulate and establish markets; to erect and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains, and sewers, agreeably to the plan of the city; to supply the city with water; to provide for the safe-keeping of the standard weights and measures as fixed by Congress, and for the regulation of all weights and measures used in the city; to regulate the sweeping of chimneys, and fix the rates or fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made or used, and provide for the inspection of lumber and other building materials to be sold in the city; to regulate, with the approbation of the President of the United States, the manner of erecting, and the materials to be used in the erection of houses; to regulate the inspection of tobacco, flour, butter, and lard, in casks or boxes, and salted provisions; to regulate the gauging of casks and liquors; the storage of gunpowder, and all naval and military stores, not the property of the United States; and the weight and quality of bread; to impose and appropriate fines, penalties, and forfeitures, for the breach of their laws or ordinances; and to provide for the appointment of inspectors, constables, and such other officers as may be necessary to execute the laws of the corporation.

SEC. 8. *And be it further enacted*, That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements; and, upon the application of the owners of more than one half of the property upon any portion of a street, to cause the curb stones to be set, and the foot-ways to be paved, on such portion of a street, and to lay a tax on such property, to the amount of the expense thereof: *Provided*, That such tax shall not exceed three dollars per front foot; and, upon a like application, to cause the carriage way of any portion of a street to be paved, or lamps to be erected therein, and light the same, and lay a tax, not exceeding the whole expense thereof, in due proportion, on the lots fronting on such portion of a street, and, also, to impose an addition or in-

terest on the amounts of any such taxes, not exceeding ten per centum per annum, when the same shall not have been paid within thirty days after the same shall have become due. The said corporation shall also have power and authority to provide for the establishment and superintendence of public schools, and to endow the same; to establish and erect hospitals or pest-houses, watch, and work-houses, houses of correction, penitentiary, and other public buildings, and to lay and collect taxes for the expenses thereof; to regulate party or other walls and fences, and to determine by whom the same shall be kept in repair; to cause new alleys to be opened through the squares, and to extend those already laid out, upon the application of the owners of more than one-half the property in such squares: *Provided*, That the damages which may accrue thereby to any individual or individuals, shall be first ascertained by a jury, to be summoned and impanelled by the Marshal of the District of Columbia, (and it is hereby made his duty to summon and impanel the same, in all such cases, upon application to him in writing by the mayor of the city,) and such damages to be paid by the corporation; the amount thereof, and the expenses accruing shall be levied in due proportion upon the individuals whose property on such squares shall be benefited thereby, and collected as other taxes are; to occupy and improve, for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces and squares in said city, not interfering with any private rights; to regulate the admeasurement and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builders' work and materials, and also of wood, coal, grain, and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes, and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six months, for any one offence, and to punish such free negroes and mulattoes, by penalties, not exceeding twenty dollars for any one offence, and in case of the inability of any such free negro or mulatto to pay any such penalty and cost thereon, to cause him or her to be confined to labor for any time not exceeding six calendar months; to cause all vagrants, idle, or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the corporation as paupers, or are found begging or drunk in or about the streets, or loitering in or about tipping houses, or who can show no reasonable cause of business or employment in the city, and all suspicious persons who have no fixed place of residence, or who cannot give a good account of themselves; all eavesdroppers and nightwalkers; all who shall be guilty of open profanity, or grossly indecent language or behaviour publicly in the streets; all public prostitutes, and such as lead a notoriously lewd or lascivious course of life, and all such as keep public gaming tables, or gaming houses, to give security for their good behaviour for a reason-

able time, and to indemnify the city against any charge for their support; and, in case of their refusal or inability to give such security, to cause them to be confined to labor until such security shall be given, not exceeding however one year at a time; but, if they shall be found again offending, the like proceedings may be again had, and, from time to time, as often as may be necessary; to enforce the departure of such vagrants and paupers as may come into the city to reside, unless they shall give ample security that they will not become chargeable on the corporation for their support; to provide for the binding out as apprentices of poor orphan children, and the children of drunkards, vagrants, and paupers; to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city; to authorize, with the approbation of the President of the United States, the drawing of lotteries for the erection of bridges, and effecting any important improvements in the city, which the ordinary revenue thereof will not accomplish, for the term of ten years: *Provided*, That the amount so authorized to be raised in each year shall not exceed the sum of ten thousand dollars, clear of expenses; to take care of and to regulate burial grounds; to provide for the registering of births, deaths, and marriages; to punish corporeally any colored servant or slave for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided; and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers.

SEC. 9. *And be it further enacted*, That the Marshal of the District of Columbia shall receive and safely keep within the jail for the county of Washington, at the expense of the said corporation, all persons committed thereto under or by authority of the provisions of this act. And in all cases where suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any law or ordinance of the corporation, execution shall and may be issued as in all other cases of small debts.

SEC. 10. *And be it further enacted*, That real property, whether improved or unimproved, in the City of Washington, on which two or more years' taxes shall have remained due and unpaid, or on which any special tax, imposed by virtue of authority of the provisions of this act, shall have remained unpaid for two or more years after the same shall have become due, or so much thereof, not less than a lot, (when the property upon which the tax has accrued is not less than that quantity,) as may be necessary to pay any such taxes, with all legal costs and charges arising thereon, may be sold at public sale to satisfy the corporation therefor: *Provided*, That public notice be given of the time and place of sale, by advertising, once a week, in some newspaper printed in the City of Washington, for at least six months, where the property is assessed to persons residing out of the United States; for three months, where the property is assessed to persons residing in the United States,

but without the District of Columbia; and for six weeks, where the property is assessed to persons residing within the District of Columbia; in which advertisement shall be stated the number of the lot or lots, (if the square has been divided into lots,) the number of the square or squares, or other sufficient definite description of the property selected for sale, the name of the person or persons to whom the same may have been assessed, for the respective years' taxes due thereon, as also the name of the person to whom the same is assessed, and the aggregate amount of taxes due. The purchaser or purchasers of any such property shall pay, at the time of such sale, the amount of the taxes due on the property so purchased by him, her, or them, respectively, with the amount of the expenses of sale; and he, she, or they, shall pay the residue of the purchase money within ten days after the expiration of two years from the day of sale, to the collector of taxes, or other officer of the Corporation authorized to receive the same; and the amount of such residue shall be placed in the city treasury, where it shall remain, subject to the order of the original proprietor or proprietors, his, her, or their, legal representatives; and the purchaser or purchasers shall receive a title in fee simple, in and to the lot or lots so sold and purchased, under the hand of the Mayor and seal of the Corporation, which shall be deemed good and valid in law and equity: *Provided, nevertheless*, That if, within two years from the day of any such sale, or before such purchaser or purchasers shall have paid the residue of the purchase money as aforesaid, the proprietors of any property which shall have been sold as aforesaid, his, her, or their, heirs, agents, or legal representatives, shall repay to such purchaser or purchasers the moneys paid for the taxes and expenses as aforesaid, together with ten per centum per annum, as interest thereon, or make a tender thereof, or shall deposit the same in the hands of the Mayor of the city or other officer of the Corporation appointed to receive the same, for the use of such purchaser or purchasers, and subject to his, her, or their heirs, or legal representatives' order, of which such purchaser, his heirs, or legal representatives, shall be immediately informed by notice, in some newspaper printed in the city of Washington, or otherwise he, she, or they, shall be reinstated in his, her, or their, original right and title, as if no such sale had been made. And if any such purchaser shall fail to pay the residue of the purchase money as aforesaid, within the time required by this section, for any property so purchased by him, he shall pay ten per centum per annum, as interest thereon, and in addition to such residue, to be computed from the expiration of the two years as aforesaid, until the actual payment of such residue, and the receiving of a conveyance from the Corporation; and the said interest shall alike be subject to the order of the original proprietor or proprietors, as the residue of the purchase money as aforesaid: *Provided, also*, That no sale shall be made, in pursuance of this section, of any improved property whereon there is personal property of sufficient value to pay the said taxes; and that minors,

mortgagees, or others, having equitable interests in real property, which property shall be sold for taxes as aforesaid, shall be allowed one year after such minors' coming to or being of full age, or after such mortgagees and others, having equitable interests, obtaining possession of, or a decree for the sale of such property, to redeem the property so sold from the purchaser or purchasers, his, her, or their assigns, on paying the amount of purchase money so paid therefor, with ten per cent. interest thereon, as aforesaid, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with ten per cent. interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property, by the purchaser, or his assigns, while the same was in his or their possession: *And provided, moreover*, That where the estate of the tenant in default, as for years, or for life or lives, shall be sufficient to defray the taxes chargeable thereupon, such estate only shall be liable to be sold under the provisions of this act.

SEC. 11. *And be it further enacted*, That it shall be lawful for the collector, or other officer, (duly authorized) to postpone, after such advertisement, the sale of any property advertised according to the provisions of the foregoing section, to any future day, for the want of bidders, he giving public notice of such postponement, and the sale, made at such postponed time, shall be equally valid as if made on the day stated in the advertisement.

SEC. 12. *And be it further enacted*, That the person or persons appointed to collect any tax imposed by virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the persons chargeable therewith; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington, and the provisions of the acts of Assembly of Maryland, now in force within the county of Washington, relating to the right of replevying personal property taken in execution for public taxes, shall apply to all cases of personal property taken by distress to satisfy taxes imposed by virtue of this act.

SEC. 13. *And be it further enacted*, That the levy court of the county of Washington, in the District of Columbia, shall not possess the power of assessing any tax on property in the city of Washington; nor shall the Corporation of the said city be obliged to contribute, in any manner, towards the expenses or expenditures of said court, except for the one-half part of the expenses incurred on account of the orphans' court, the office of coroner, the jail of said county, and the opening and repairing of roads in the county of Washington, east of Rock Creek, leading directly to the city of Washington; but the said Corporation shall have the sole control and management of the bridge across or over Rock Creek, at the termination of K street north; and shall be chargeable with the expense of keeping the same in repair, and rebuilding it when necessary.

SEC. 14. *And be it further enacted*, That the clerk

of the circuit court, and the register of wills, for the county of Washington, respectively, shall furnish the register of the city, or other officer of the Corporation, appointed to receive the same, on or about the first Monday in January and July, in every year, correct lists of the transfers of real property in the city, during the next preceding half year, as far as can be ascertained by the records in their respective offices; and the said Corporation shall make to the said clerk and register of wills such compensation therefor, as shall be agreed on between the respective parties, not exceeding six cents for each transfer on such lists.

SEC. 15. *And be it further enacted*, That the Commissioner of the Public Buildings, or other person appointed to superintend the United States' disbursements in the City of Washington, shall reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving, any of the streets or avenues in front of or adjoining to, or which may pass through or between, any of the public squares or reservations; which proportion shall be determined by a comparison of the length of the front or fronts of the said squares or reservations of the United States on any such street or avenue, with the whole extent of the two sides thereof; and he shall cause the curb-stones to be set, and foot-ways to be paved, on the side or sides of any such street or avenue, whenever the said corporation shall by law direct such improvements to be made by the proprietors of the lots on the opposite side of any such street or avenue, or adjacent to any such square or reservation; and he shall cause the foot-ways to be paved, and the curb-stones to be set, in front of any lot or lots belonging to the United States, when the like improvements shall be ordered by the corporation, in front of the lots adjoining or squares adjacent thereto; and he shall defray the expenses directed by this section out of any moneys arising from the sale of lots in the City of Washington belonging to the United States, and from no other fund.

SEC. 16. *And be it further enacted*, That the present Boards of Aldermen and Common Council shall, before the last Monday in May next, divide the said city into as many wards as in their opinion shall be most conducive to the interests of the city; and the Boards of Aldermen and Common Council may from time to time, as the interests of the city shall require, alter the number and boundaries of the said wards: *Provided*, That the said wards shall at all times be so laid off, altered, and bounded, that each ward shall comprise, as near as may be, an equal number of the inhabitants of the said city: *And provided, however*, That if such division shall not be made prior to the said last Monday in May, then the said city shall be divided into six wards, in manner following, to wit: All that part of said city westward of Sixteenth street west shall constitute the first; that part to the eastward of Sixteenth street west, and to the westward of Tenth street west, shall constitute the second; that part to the eastward of Tenth street west, to the westward of First street west, and to the northward of E street south, shall constitute the third;

that part to the eastward of First street west, to the westward of Eighth street east, and to the northward of E street south, shall constitute the fourth; that part to the eastward of Tenth street east, to the westward of Fourth street east, and to the southward of E street south, shall constitute the fifth; and the residue of the city shall constitute the sixth ward. The expenses which may be incurred in improving and repairing the streets which form the boundaries of the several wards shall be defrayed out of the taxes raised in the several wards which adjoin the same, respectively, in equal proportions; and the present Boards of Aldermen and Common Council shall, before the first Monday in June next, apportion by law such portions of the debt of the city as have been heretofore chargeable to the existing wards amongst the wards established by this section, upon just and equitable principles. And the Board of Aldermen shall, so soon as the same shall have been organized, on the second Monday in June next, divide the members into two classes, in manner following, to wit: Those members who are now in office, and by virtue of their election in June last shall be entitled to take their seats in the new board, as members from the wards in which they shall respectively reside, shall be placed in the first class; and those members who shall be elected from the same wards in June next shall be placed in the second class; and the other members shall be placed in their respective classes by lot; and the seats of the first class shall be vacated at the end of the first year, and the seats of the second class shall be vacated at the end of the second year; so that one member shall be elected in each ward every year thereafter. And the members of the Board of Aldermen shall be hereafter *ex officio* justices of the peace for the county of Washington, unless holding commissions in the Army or Navy of the United States.

SEC. 17. *And be it further enacted*, That this act shall continue in force for and during the term of twenty years, and until Congress shall by law determine otherwise.

Approved, May 15, 1820.

An Act providing for the better organization of the Treasury Department.

Be it enacted, &c., That it shall be the duty of such officer of the Treasury Department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the Treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use, of the United States.

SEC. 2. *And be it further enacted*, That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the Treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the

First Comptroller of the Treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the Treasury, who is hereby authorized and required to issue a warrant of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies, respectively; therein specifying the amount with which such delinquent is chargeable, and such sums, if any, which have been paid. And the marshal authorized to execute such warrant, shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may and shall proceed to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments, of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments, of such officer, and his surety or sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district

or his deputy; and for all lands, tenements, or hereditaments, sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States, who became bound to the United States before the passing of this act; but each and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval departments of the Government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his account, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated, and certify, the account of such delinquent officer to the agent of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, That the said agent of the Treasury, with the approbation of the Secretary of the Treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 4. *And be it further enacted*, That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains, and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction

shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear, to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

SEC. 5. *And be it further enacted*, That such injunction may be granted or dissolved by such judge, either in or out of court.

SEC. 6. *And be it further enacted*, That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge, before a judge of the Supreme Court, to whom authority is hereby given, either to grant the injunction, or permit an appeal, as the case may be, if, in the opinion of such judge of the Supreme Court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction, in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

SEC. 7. *And be it further enacted*, That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them respectively, by the said agent of the Treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any State court, in which any suit or action may be pending, on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the Treasury a statement of the cases which have been decided, during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts respectively, to forward to the said agent of the Treasury a list of all judgments and decrees which have been entered in the said courts respectively, during such term, to which the United States are parties, showing the amount which has been so adjusted or decreed for or against the United States, and stating the term to which execution thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial dis-

tricts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which had been so adjudged and decreed to the United States, in the said courts respectively.

SEC. 9. *And be it further enacted*, That nothing in this act contained shall be construed to take away or impair any right or remedy which the United States now have, by law, for the recovery of taxes, debts, or demands.

Approved, May 15, 1820.

An Act authorizing the building of a certain number of small Vessels of War, &c.

Be it enacted, &c., That the President of the United States is hereby authorized to cause to be built and equipped any number of small vessels of war (not exceeding five) which, in his judgment, the public service may require; the said vessels to be of a force not more than twelve guns each, according to the discretion of the President. And, for carrying this act into effect, the sum of sixty thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, May 15, 1820.

An Act to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds, received in the Revolutionary war," and for other purposes.

Be it enacted, &c., That the act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war," passed on the tenth of April, one thousand eight hundred and six; and limited, as in said act declared, to the term of six years, and afterwards revived and continued in force by an act, entitled "An [act] to revive and continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war,' and for other purposes, for and during the term of six years," as in the said act is declared, shall be, and the same is hereby, revived, and is continued in force for one year, and no longer, from the passing of this act: *Provided*, That this act shall not be construed to repeal or make void the fourth section of an act, entitled "An act concerning invalid pensions," passed the third of March, one thousand eight hundred and nineteen; but the said fourth section of the said last mentioned act shall be, and hereby is declared to be, in full force and effect; any thing in the said act, hereby revived and made perpetual, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the right any person now has, or may hereafter acquire, to receive a pension in virtue of any law of the United States, be considered to commence at the time of completing his testimony, pursuant to the act hereby revived and continued in force.

SEC. 3. *And be it further enacted*, That the agents for the payment of invalid pensioners of the Uni-

ted States shall, in future, be required to give bond, with two or more sureties, to be approved by the Secretary for the Department of War, in a sum not exceeding five thousand dollars, for the faithful discharge of the duties confided to them, respectively.

Approved, May 15, 1820.

An Act designating the ports within which only foreign armed vessels shall be permitted to enter.

Be it enacted, &c., That, after the first day of July, one thousand eight hundred and twenty, it shall not be lawful for any foreign armed vessels to enter any harbor belonging to the United States, excepting only those of Portland, Boston, New London, New York, Philadelphia, Norfolk, Smithville, in North Carolina, Charleston, and Mobile; unless when such vessels shall be forced in by distress; by the dangers of the sea, or by being pursued by an enemy, and be unable to make any of the ports above mentioned; in which cases, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering such harbor; shall take such position therein as shall be assigned him by such collector; and shall conform himself to such regulations as shall be signified to him by the said collector, under the authority and directions of the President of the United States.

SEC. 2. And be it further enacted, That it shall be lawful for the President of the United States to employ such part of the land and naval forces of the United States, or the militia thereof, as he may deem necessary to enforce the provisions of the first section of this act; and the President shall also be authorized to employ such forces to prevent any foreign armed vessel from entering or remaining within any waters within the jurisdiction of the United States, except such as shall lie in her direct course in entering from sea, or leaving, to proceed to sea, either of the harbors above mentioned.

SEC. 3. And be it further enacted, That this act shall continue in force until the first day of July, one thousand eight hundred and twenty-two, and no longer.

Approved, May 15, 1820.

An Act for altering the times for holding the Circuit Court of the United States for the Western District of Pennsylvania.

Be it enacted, &c., That the terms of the district court for the western district of Pennsylvania, which are now directed by law to be holden on the first Mondays of the months of June and December, in each year, shall hereafter be holden for the said district, on the first Monday in May, and second Monday in October, in each year.

SEC. 2. And be it further enacted, That all actions, suits, process, pleadings, and other proceedings, commenced or pending in the said district court, shall be as good and valid to the said first Monday in May, and second Monday in October, in each year, as if this change had not been made, any law to the contrary notwithstanding.

SEC. 3. And be it further enacted, That appeals and writs of error shall lie from decisions in the said district court for the western district of Pennsylvania, when exercising the powers of a circuit court, to the Supreme Court of the United States, in the same manner as from circuit courts; and that so much of the fourth section of the act, entitled "An act to divide the State of Pennsylvania into two judicial districts," passed on the twentieth day of April, one thousand eight hundred and eighteen, as provides that writs of error shall lie from decisions in the said district court, to the circuit court in the eastern district of Pennsylvania be, and the same is hereby, repealed.

SEC. 4. And be it further enacted, That there shall be allowed to the district attorney, and to the marshal of the said western district of Pennsylvania, and the northern district of New York, the yearly sum of two hundred dollars each; to commence from the twentieth day of April, one thousand eight hundred and nineteen; to be paid quarterly, at the Treasury of the United States.

Approved, May 15, 1820.

An Act supplementary to an act, entitled "An Act concerning navigation."

Be it enacted, &c., That, from and after the thirtieth day of September next, the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving by sea, from any port or place in the province of Lower Canada, or coming or arriving from any port or place in the province of New Brunswick, the province of Nova Scotia, the islands of Newfoundland, St. Johns or Cape Breton, or the dependencies of any of them, the islands of Bermuda, the Bahama islands, the islands called Caicos, or the dependencies of any of them, or from any other port or place in any island, colony, territory, or possession under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundary of the United States, and not included within the act to which this act is supplementary. And every such vessel, so excluded from the ports of the United States, that shall enter or attempt to enter the same, in violation of this act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to the United States.

SEC. 2. And be it further enacted, That, from and after the thirtieth day of September next, the owner, consignee, or agent, of every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, which shall have been duly entered in any port of the United States, and on board of which shall have been there laden, for exportation, any article or articles of the growth, produce, or manufacture, of the United States, other than provisions and sea-stores necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond, in a sum double the value of such article or articles, with one or more sureties, to the satisfaction of the collector, that the article or articles so laden on board such ves-

sel, for exportation, shall be landed in some port or place other than a port or place in any province, island, colony, territory, or possession, belonging to His Britannic Majesty, that is mentioned or described in this act, or in the act to which this act is supplementary. And every such vessel that shall sail, or attempt to sail, from any port of the United States, without having complied with the provisions aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to the United States: *Provided*, That nothing herein contained shall be deemed or construed so as to violate any provision of the convention to regulate commerce between the territories of the United States and of His Britannic Majesty, signed the third day of July, one thousand eight hundred and fifteen.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, no goods, wares, or merchandise, shall be imported into the United States of America from the province of Nova Scotia, the province of New Brunswick, the islands of Cape Breton, St. Johns, Newfoundland, or their respective dependencies, from the Bermuda islands, the Bahama islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island, or place, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundaries of the United States, except only such goods, wares, and merchandise, as are truly and wholly of the growth, produce, or manufacture, of the province, colony, plantation, island, possession, or place aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandise, shall be directly imported into the United States; and all goods, wares, and merchandise, imported, or attempted to be imported, into the United States of America, contrary to the provisions of this act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed, and the same shall be discharged, and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated, or remitted, in the manner, and according to the provisions, of the act to which this act is supplementary.

Approved, May 15, 1820.

An Act to authorize the appointment of commissioners to lay out the road therein mentioned.

Whereas, by the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois, the lands of the States may become more valuable—

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to ap-

point three impartial and judicious persons, not being citizens of any of the States aforesaid, to be commissioners, and, in case of the death or resignation of any of them, to appoint other and like persons in their place, who shall have power carefully to examine the country between Wheeling in the State of Virginia, and a point on the left bank of the Mississippi river, to be chosen by said commissioners, between St. Louis, and the mouth of the Illinois river, and to lay out a road from Wheeling, aforesaid, to the point so to be chosen on the left bank of the river Mississippi; the said road to be on a straight line, or as nearly so as, having a due regard to the condition and situation of the ground and water-courses over which the same shall be laid out, shall be deemed expedient and practicable. And said commissioners shall have power to employ able surveyors, chainbearers, and other necessary assistants, in laying out said road; and so much of the lands of the United States as may be included within the same, shall be, and the same is hereby, reserved and excepted from the sales of the public lands. The said road to be eighty feet wide, and designated by marked trees, stakes, or other conspicuous monuments, at the distance of every quarter of a mile, and at every angle of deviation from a straight line. And the said commissioners shall cause to be made, and delivered to the President of the United States, an accurate plan of said road, so laid out by them as aforesaid, with a written report of their proceedings, describing therein the State lines crossed, and the marks, monuments, courses, and distances, by which the said road shall be designated; describing, also, the water-courses, and the nature and quality of the ground over which the same shall be laid out; they shall, moreover, divide said road into sections of not more than ten, nor less than five, miles long, noticing the materials that may be used in making and giving an estimate of the expense of making each section of the road aforesaid.

SEC. 2. *And be it further enacted*, That the commissioners, surveyors, chainbearers, and other necessary assistants, to be appointed in pursuance of this act, shall severally take an oath, or affirmation, faithfully and diligently to perform their respective duties, and shall receive, in full compensation for their services and expenses, each commissioner six dollars, each surveyor three dollars, and each other necessary assistant one dollar, for each day in which they shall be necessarily employed in the service aforesaid: *Provided, always, and it is hereby enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or to defray the expense of making, the road hereby authorized to be laid out, or of any part thereof.

SEC. 3. *And be it further enacted*, That ten thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, be, and are hereby, appropriated to defray the expense of laying out the road aforesaid.

Approved, May 15, 1820.

An Act for the relief of the inhabitants of the village of Peoria, in the State of Illinois.

Be it enacted, &c., That every person, or the legal representatives of every person, who claims a lot or lots in the village of Peoria, in the State of Illinois, shall, on or before the first day of October next, deliver to the register of the land office for the district of Edwardsville, a notice, in writing, of his or her claim; and it shall be the duty of the said register to make to the Secretary of the Treasury a report of all claims filed with the said register, with the substance of the evidence in support thereof; and, also, his opinion and such remarks respecting the claims as he may think proper to make; which report, together with a list of the claims which, in the opinion of said register, ought to be confirmed, shall be laid, by the Secretary of the Treasury, before Congress for their determination. And the said register shall be allowed twenty-five cents for each claim on which a decision shall be made, whether such decision shall be in favor or against the claims; which allowance shall be in full for his services under this act.

Approved, May 15, 1820.

An Act to impose a new tonnage duty on French ships and vessels.

Be it enacted, &c., That, in lieu of the tonnage duty now paid on French ships or vessels, there shall be paid a duty of eighteen dollars per ton, on all French ships or vessels which shall be entered in the United States, any act to the contrary notwithstanding: *Provided, however,* That nothing contained in this act shall be so construed as to prevent the extension of the provisions of the act, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between the goods imported into the United States in foreign vessels and vessels of the United States," to French ships and vessels, and the goods imported therein, whenever the Government of France shall accede to the provisions of the act above referred to.

SEC. 2. *And be it further enacted,* That the tonnage duty laid, and directed to be paid, by this act, shall be collected and paid according to the provisions of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine.

SEC. 3. *And be it further enacted,* That this act shall commence and be in force from and after the first day of July, one thousand eight hundred and twenty.

Approved, May 15, 1820.

An Act to provide for the expense of surveying certain parts of the coast of North Carolina, and for other purposes.

Be it enacted, &c., That, for carrying into effect

a resolution directing a survey of certain parts of the coast of North Carolina, passed on the nineteenth day of January, in the year one thousand eight hundred and nineteen, the sum of five thousand dollars be, and the same is hereby, appropriated, to be paid out of any unappropriated money in the Treasury.

SEC. 2. *And be it further enacted,* That the sums respectively necessary to carry into effect the "Act for the relief of certain persons who have paid duties on certain goods imported into Castine," approved the eleventh day of April, in the present year, and also the "Act for the relief of Walter Channing," approved the eleventh day of April aforesaid, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, May 15, 1820.

An Act to amend an act "making reservation of certain public lands for naval purposes," passed first March, one thousand eight hundred and seventeen.

Be it enacted, &c., That so much of the first section of the act of Congress, passed on the first day of March, one thousand eight hundred and seventeen, entitled "An act making reservation of certain public lands for naval purposes," as empowers the Secretary of the Navy to appoint an agent or agents, and surveyor, be, and the same is hereby, repealed; and the duties and services required by said section be performed in future by such surveyors of public lands as may be designated by the President of the United States.

Approved, May 15, 1820.

An Act making appropriations for carrying into effect the treaties concluded with the Chippewa and Kickapoo nations of Indians.

Be it enacted, &c., That, for the purpose of carrying into effect the stipulation contained in the fourth article of the treaty concluded between the United States and the Chippewa nation of Indians, on the twenty-fourth of September, one thousand eight hundred and nineteen, and which was ratified by the President of the United States, by and with the advice and consent of the Senate, on the twenty-fifth day of March, one thousand eight hundred and twenty, there be, and hereby is, appropriated the sum of one thousand dollars, to be paid in silver, annually, forever, to the said Chippewa nation.

SEC. 2. *And be it further enacted,* That there be, and hereby is, appropriated, the sum of two thousand dollars, to carry into effect any other stipulations contained in the said treaty.

SEC. 3. *And be it further enacted,* That the sums herein appropriated be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That, for the purpose of carrying into effect the stipulations contained in the third article of the treaty concluded between the United States and the tribe of Kickapoo Indians, of Vermillion, on the thirtieth day of August, one thousand eight hundred and nineteen, and which was ratified by the President of the United States, by and with the advice and con-

sent of the Senate, on the tenth day of May, one thousand eight hundred and twenty, there be, and is hereby, appropriated, the sum of two thousand dollars, to be paid annually, for ten years, out of any money in the Treasury not otherwise appropriated.

Approved, May 15, 1820.

An Act to continue in force the act entitled "An Act to provide for reports of the decisions of the Supreme Court," approved the third of March, one thousand eight hundred and seventeen.

Be it enacted, &c., That the act entitled "An act to provide for reports of decisions of the Supreme Court," approved the third day of March, one thousand eight hundred and seventeen be and the same is hereby continued in force for three years, and no longer.

Approved, May 15, 1820.

An Act to amend the act entitled "An act to amend the act authorizing the employment of an additional naval force."

Be it enacted, &c., That the second section of the act entitled "An act authorizing the employment of an additional naval force," passed on the thirty-first day of January, eighteen hundred and nine, be, and the same is hereby, amended, so far as to authorize the enlistment of able seamen, ordinary seamen, and boys, during the continuance of the service or cruise for which they shall be enlisted; not, however, to exceed the period of three years.

Approved, May 15, 1820.

An Act to provide for repairing the roof of the General Post Office, and to procure an engine for the protection of said building.

Be it enacted, &c., That the Postmaster General be, and he hereby is, directed to cause the roof of the General Post Office to be repaired and covered with slate; and, also, to procure and keep, for the protection of said building, an engine and apparatus, for extinguishing fire, and to cause to be built a suitable house for the safe keeping of such engine.

SEC. 2. *And be it further enacted,* That there be, and there is hereby, appropriated, to be paid out of the moneys arising from the postage of letters and packets, such sum as may be necessary for the purposes aforesaid, not exceeding six thousand and twenty dollars.

Approved, May 15, 1820.

An Act to increase the number of clerks in the Department of War.

Be it enacted, &c., That the Secretary of the Department of War be, and he is hereby, authorized and empowered to employ six additional clerks in his Department; and that the sum of six thousand dollars be, and the same is hereby, appropriated, for their compensation, to be paid out of any money in the Treasury not otherwise ap-

propriated. This act to continue in force for one year, and no longer.

Approved, May 15, 1820.

An Act to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire.

Be it enacted, &c., That, as soon as the jurisdiction of such one of the Isles of Shoals, in the State of New Hampshire, in the State of Massachusetts, or in the State of Maine, as the President of the United States shall select for the site of a lighthouse, shall be ceded to, and the property thereof vested in, the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President, for building a lighthouse on such island, to be so lighted as to be distinguishable from other lighthouses on the east and west of the same; and also to agree for the salary, wages, or hire, of the person or persons to be appointed by the President for the superintendence of the same.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, for the purpose of building such lighthouse, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to provide, by contract, for building lighthouses, erecting piers, beacons, or landmarks, and building and placing light-vessels, or boats, or buoys, on the following sites or shoals, to wit: A pier at the mouth of Kennebunk river, in the State of Maine; two lighthouses, one on Tenpound island, at the entrance into Gloucester harbor, and the other at Baker's island, near Salem, in the State of Massachusetts; a lighthouse at a proper site near the mouth of Genesee river, in the State of New York; a buoy on Southwest Ledge, and another on Adams's Fall, in or near to the harbor of New Haven, in the State of Connecticut: A light vessel at the end of Smith's Point Shoals, in the Chesapeake bay, in the State of Virginia: A lighthouse on Shell Castle island, in the State of North Carolina; or, in lieu thereof, a light vessel, to be moored in a proper place near the said island, if, in the opinion of the Secretary of the Treasury, the latter shall be preferred: A beacon and two buoys on proper sites in the channel leading to the harbor of Charleston, in the State of South Carolina: A lighthouse on a proper site in Mobile bay, in the State of Alabama; or, in lieu thereof, a light vessel in the said bay, if the same shall be preferred: A light vessel, should the same be deemed necessary by the Secretary of the Treasury, at the mouth of the Mississippi, in the State of Louisiana.

SEC. 4. *And be it further enacted,* That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums of money, to accomplish the objects specified in this act, to wit: For erecting a pier at the mouth of Kennebunk river, a sum not exceeding five thousand dollars: for placing a bell near the lighthouse

on West Quoddy Head, a sum not exceeding one thousand dollars: for erecting two lighthouses, one on Tenpound island, and the other on Baker's island, and placing three buoys on the rocks and flats near Salem, a sum not exceeding nine thousand dollars: for defraying the expense of lighting the lighthouse on the south side of the harbor of Nantucket, and superintending the same, a sum not exceeding three hundred dollars: for a lighthouse near the mouth of Genesee river, a sum not exceeding five thousand dollars: for placing two buoys, one on Southwest Ledge, and the other on Adams's Fall, in or near the harbor of New Haven, a sum not exceeding three hundred dollars: for a light vessel, and placing the same at the end of Smith's Point Shoals, a sum not exceeding eight thousand dollars: for a lighthouse on Shell Castle island, or a light vessel, if preferred, a sum not exceeding fourteen thousand dollars: for a beacon and two buoys on proper sites in or near to the channel leading to Charleston harbor, a sum not exceeding six thousand five hundred dollars: for a lighthouse or light vessel, for Mobile bay, a sum not exceeding nine thousand dollars: for a light vessel at the mouth of the Mississippi, a sum not exceeding fifteen thousand dollars.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, if he shall deem it expedient and proper, to build the lighthouse directed to be built on Sparrow's Point, in the State of Maryland, on North Point in said State; and also to substitute a light vessel for the lighthouse directed to be built on Craney island, at the mouth of Elizabeth river, in the State of Virginia.

SEC. 6. *And be it further enacted*, That to complete the lighthouses and light vessels heretofore directed to be built, there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following additional sums, to wit: For the lighthouses in the State of Maryland, a sum not exceeding six thousand six hundred dollars: for the lighthouse directed to be built between the mouth of Grand river, in the State of Ohio, and the mouth of Detroit river, in the Territory of Michigan, five thousand dollars: and for the lighthouses or light vessels for the State of Virginia, a sum not exceeding six thousand six hundred dollars.

SEC. 7. *And be it further enacted*, That no lighthouse, beacon, nor land-mark, shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States.

Approved, May 15, 1820.

An Act to continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy.

Be it enacted, &c., That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and

nineteen, be and the same are hereby continued in force, from the passing of this act, for the term of two years, and from thence to the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the fifth section of the said act be and the same is hereby continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects, as fully as if the duration of the said section had been without limitation.

SEC. 3. *And be it further enacted*, That if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river, where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate; and being thereof convicted before the Circuit Court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and on shore shall commit robbery, such person shall be adjudged a pirate, and, on conviction thereof before the Circuit Court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided*, That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence in a State court.

SEC. 4. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in whole or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from any such ship or vessel, and on any foreign shore seize any negro or mulatto, not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent, as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction thereof before the Circuit Court of the United States for the district wherein he may be brought or found, shall suffer death.

SEC. 5. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine, or detain, or aid and abet in forcibly confining, or detaining, on board such ship or vessel, any negro, or mulatto,

not held to service by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto, not held to service as aforesaid, or shall, on the high seas, or anywhere on tide water, transfer, or deliver over, to any other ship or vessel, any negro, or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen, or person, shall be adjudged a pirate, and, on conviction thereof before the Circuit Court of the United States for the district wherein he shall be brought, or found, shall suffer death.

Approved, May 15, 1820.

An Act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois.

Be it enacted, &c., That all persons holding confirmed unlocated claims for land within the tract reserved by the third section of the act, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," passed the sixteenth day of April, in the year one thousand eight hundred and fourteen, be allowed until the first day of November, one thousand eight hundred and twenty, to register the same. And the said claims shall be receivable in payment for public lands within the said reserved tract, conformably with the provisions of the said act, and of the act, entitled "An act making further provision for settling claims to land in the Territory of Illinois," passed the twenty-sixth day of April, one thousand eight hundred and sixteen, at any time before the first day of November, one thousand eight hundred and twenty.

Approved, May 15, 1820.

An Act in addition to the act, entitled "An act making appropriations for the support of Government, for the year one thousand eight hundred and twenty," and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated—that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, in addition to the appropriation heretofore made for that object, twenty-three thousand three hundred and forty dollars.

For rebuilding the public wharf, and repairing the public warehouses, on Staten Island, fifteen thousand dollars.

For graduating the Capitol square, putting the grounds in order, and planting trees within the same, two thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the arrearages of the Department of War, from the first day of July, one thousand eight hundred and fifteen, to the first of July, one thousand eight hundred and seventeen, be paid out of the sum of one hundred and fifty thousand dollars already appropriated for arrearages prior to the first day of July, one thousand eight hundred and fifteen, any thing in the act, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the first of May, one thousand eight hundred and twenty, to the contrary notwithstanding.

Approved, May 15, 1820.

An Act to provide for the building an addition to the custom-house now erecting in the city of New Orleans, for the use of the District Court of the United States for the State of Louisiana.

Be it enacted, &c., That the Secretary of the Treasury cause to be built an addition to the custom-house now erecting in the city of New Orleans, which shall contain rooms suitable for the use of the District Court of the United States for the State of Louisiana; and that so much of the appropriation for the erection of custom-houses and public warehouses, as shall be sufficient for that purpose, be, and the same is hereby declared to be, applicable to that object.

SEC. 2. *And be it further enacted,* That, as soon as the said building shall be completed, the Secretary of the Treasury shall be authorized and required to cause to be sold, at public sale, upon such terms, and in such manner, as he shall judge to be expedient, the house and lot in which the District Court is now held, and to cause the amount for which they shall be sold to be paid into the Treasury of the United States.

Approved, May 15, 1820.

An Act to authorize the Governor of Illinois to obtain certain abstracts of lands from certain public offices.

Be it enacted, &c., That it shall be the duty of the register of the United States land office at Vincennes, in the State of Indiana, to furnish to the Governor of the State of Illinois, when he shall apply for the same, a complete abstract of all the lands which have been purchased at that office, or which may hereafter be purchased, which lie within the State of Illinois, designating the name of each purchaser, and the time of making the purchase; for which he shall be entitled to receive, from such applicant, at the rate of ten cents for each separate entry, a copy whereof is required: *Provided, however,* That all the expense incurred by virtue of this act shall be defrayed by said State.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, upon the application of the Governor of said State, to cause a complete abstract to be made out, for the use of said State, of all the military bounty lands which have been patented to the soldiers of the late army, lying within the same, designating the name of each patentee.

Approved, May 15, 1820.

Resolutions.

An Act granting to the State of Ohio the right of pre-emption to certain quarter sections of land.

Be it enacted, &c., That there be granted to the State of Ohio, at the minimum price for which the public lands are sold, the right of pre-emption to one quarter section, in or near the centre of each county, included in the purchase recently made of the Indians, by the treaty concluded at St. Mary's, on the twentieth day of September, one thousand eight hundred and eighteen, for the establishment of a seat of justice in the said counties: *Provided,* The purchase be made before the commencement of the public sales: *And provided also,* That the proceeds of the sale of each quarter section, which may be made under the authority of the State of Ohio, shall be appropriated for the purpose of erecting public buildings in said counties respectively, after deducting therefrom the sums originally paid by the State aforesaid: *And provided further,* That the seat of justice for said counties respectively shall be fixed on the lands so selected.

Approved, May 15, 1820.

RESOLUTIONS.

Resolution declaring the admission of the State of Alabama into the Union.

Whereas, in pursuance of an act of Congress, passed on the second day of March, one thousand eight hundred and nineteen, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," the people of the said Territory did, on the second day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity to the principles of the articles of compact between the original States and the people and States in the territory northwest of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, so far as the same have been extended to the said territory by the articles of agreement between the United States and the State of Georgia—

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Alabama shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union, on an equal footing with the original States, in all respects whatever.

Approved, December 14, 1819.

Resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States.

Resolved, &c., That the Secretary of State be instructed to furnish to each member of the pres-

ent Congress, and the Delegates from Territories, (who may not be entitled to the same, under the resolution of Congress of the 27th of March, one thousand eight hundred and eighteen,) the President and Vice President of the United States, the Executive of each State and Territory, the Attorney General and Judges of the Courts of the United States, and the Colleges and Universities in the United States, each one copy; for the use of each of the Departments, viz: State, Treasury, War, and Navy, two copies each; for the use of the Senate, five copies; and for the use of the House of Representatives, ten copies, of the volumes containing the Journal, Acts, and Proceedings, of the Convention which formed the present Constitution of the United States; and that the residue of the copies of said Journal be deposited in the Library of Congress, for the use of the members.

Approved, January 19, 1820.

Resolution to authorize the publication of part of the Secret Journal of Congress, under the Articles of Confederation.

Resolved, &c., That the Secret Journal, together with all the papers and documents connected with that Journal, and all other papers and documents heretofore considered confidential, of the Old Congress, from the date of the ratification of the definitive treaty of peace between the United States and Great Britain, in the year one thousand seven hundred and eighty-three, to the formation of the present Government, now remaining in the office of the Secretary of State, be published, under the direction of the President of the United States, and that a thousand copies thereof be printed and deposited in the Library, subject to the disposition of Congress.—[Approved, April 21, 1820.]

Resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution.

Resolved, &c., That the Secretary of State be, and he is hereby, directed to transmit one copy of the Journal of the Federal Convention at Philadelphia, in one thousand seven hundred and eighty-seven, which formed the Constitution of the United States, to each of the members, now alive, of the said Convention.

Approved, May 8, 1820.

Resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their Boundary Line.

Resolved, &c., That the consent of Congress be, and the same is hereby, given to a compact or agreement, made and concluded by, and between, the States of Kentucky and Tennessee, at Frankfort, in Kentucky, on the second day of February, one thousand eight hundred and twenty, to adjust and establish the boundary line between them, and for other purposes.

Approved, May 12, 1820.